Supreme Court, U.S.
FILED

06-321 JUL 18 2006

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

ROBERT LEE BROADNEX
PETITIONER

VERSUS

STATE OF CALIFORNIA
RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

Exhibits to Petition Part 1
Pages 1-171

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EXHIBIT A: SUPREME COURT DENIAL OF HABEAS PETITION

EXHIBIT B: SUPERIOR COURT RULING ON HABEAS PETITION

EXHIBIT C
COURT OF APPEAL OPINION ON DIRECT APPEAL

EXHIBIT D
SUPERIOR COURT EVIDENTIARY HEARING ON HABEAS PETITION

EXHIBIT E
TRIAL TESTIMONY OF DAPHNE CADE

EXHIBIT F
DECLARATIONS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS:
DAPHNE CADE AND KEITH MORISETTE

S132892

(DOCUMENT Scanned and resized.)

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ROBERT LEE BROADNEX on Habeas Corpus

Petition for writ of habeas corpus is DENIED.

George, C.J., was absent and did not participate.

(FILE STAMPED) SUPREME COURT

FILED

MAR 22 2005

Frederick K Ohirich,Clerk

DEPUTY

MORENO

Acting Chief Justice

EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, SOUTH CENTRAL DISTRICT

INRE	)
	) CASE NO: TA020341
ROBERT LEE BROADNEX	)
PETITIONER	)
On Habeas Corpus..	)

On September 3, 2003, Petitioner Robert Lee Broadnex filed a Petition for Writ of Habeas Corpus. The Writ challenges his 1993 conviction of second degree murder. Petitioner 18 was sentenced to 27 years to life on September 15, 1993. Among the various witnesses who testified at trial were Debra Johnson, Daphne Cade and Michael Good. Debra Johnson testified that she heard an angry confrontation between the Petitioner and the victim, Jaime Plasencia. Michael Good testified that he saw Petitioner raise a gun while standing near the victim. Daphne Cade testified that she saw him place a gun to the victim s head. All three heard a gunshot, which killed .Jaime Plasencia. Additional facts are contained in the Court of Appeal decision filed February, 21. 1995.

EXHIBIT B

ORDER ON PETITION FOR WRIT OF HABEAS CORPUS (scanned)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. ROBERT LEE BROADNEX, Defendant	) Case NO. TA020341

Order on Petition for Writ of Habeas Corpus

On September 3,2003, Petitioner Robert Lee Broadnex filed a Petition for Writ o Habeas Corpus. The Petitioner challenges his 1993 conviction of second degree murder. Petitioner was sentenced to 27 years to life on September 15, 1993. Among the various witnesses who testified at trial were Debra Johnson, Daphne Cade and Michael Good. Debra Johnson testified that she heard an angry confrontation between the Petitioner and the victim, Jaime Plasencia. Michael Good testified that he saw Petitioner raise a gun while standing near the victim. Daphne Cade testified that she saw him place a gun to the victim's head. All three heard a gunshot which. killed .Jaime Plasencia. Additional facts are contained in the Court of Appeal decision filed February 21. 1995.

The Petition alleges that Daphne Cade lied at trial and that she was not present when the victim was shot, but rather with her boyfriend some distance away. In addition to the Petition and its

attached declarations, this Court has read and considered the Informal Response, Petitioners Reply, the Return, and the Reply thereto.

An evidentiary hearing was held on July 16 and 23. 2004. Daphne Cade, Miriam Broadnex, Keith Morisette and Mary Mills were called as witnesses on behalf of Petitioner. On September 7. 2004, Petitioner filed a supplemental brief and the matter was submitted for decision on September 24, 2004. Due to an illness to the attorney for the People, the supplemental opposition was not filed until October 19, 2004.

At the evidentiary hearing, Daphne Cade testified that she did not see Petitioner shoot the victim, that Debra Johnson told her to lie at trial and that she did so because she was afraid of the police. She further testified that she "just didn't" later go to the police and tell them that she lied and didn't tell any of Petitioner's relatives or any of his "people" in his neighborhood because she didn't know where they lived or how to contact them. She did tell Petitioner's sister and Miriam Broadnex about her alleged lies at trial when they ran into each other on the street in 2003.

Daphne Cade additionally testified that at the time of the shooting, she was with her boyfriend. Keith Morisette, and only heard the gunshot.

Keith Morisette testified at the evidentiary hearing that he and Daphne Cade were in his garage, and heard the

fatal gunshot. He and Ms. Cede walked around the neighborhood after the shooting and saw the police tape around the crime scene.

To a large extent, the resolution of this Writ proceeding depends upon whether or not the evidentiary hearing testimony of Daphne Cade and Keith Morisette were credible. The Court specifically finds that neither of these witnesses was credible. Daphne Cede never provided the Court with a plausible explanation as to why she wailed over 10 years before coming forward to correct her testimony identifying Petitioner as the shooter at the Preliminary Hearing and both jury trials. It is clear to the Court that she knew generally where Petitioner's relatives and associates were and could have contacted someone close to him had she really wanted to. The Court itself questioned Daphne Cade at the hearing a number of times about her seemingly lack of interest in telling someone that her allegedly false testimony was the cause of an innocent man spending his life in prison for a crime that he did not commit. In response, Ms. Cade, by he tone, manner and words convinced this Court that she lied at the evidentiary hearing. She ultimately told the Court that had she never seen Petitioner's wife on the street that day, she "probably wouldn't have" ever told anyone that she had lied in court.

Her testimony at the evidentiary hearing is far more consistent with a person who

testified correctly three times in 1993 that Petitioner murdered Jaime Plasencia than a person whose conscience led her to correcting an 10-year-old error. Her testimony is not made credible because of Keith Morisette's testimony. Mr. Morisette stated he had known Petitioner for over 30 years and both were Eight Trey gang members. Mr. Morisette was apparently the "shot caller" for the gang. He specifically refused to answer the Court's questions as to why he would not tell the police of Petitioner's false conviction, despite given numerous opportunities to do so. While he did indicate that a person testifying, falsely or not, against one of his fellow gang members would "get took out," he apparently had no problem with his girlfriend, Ms. Cade, doing just that.

Mr. Morisette was an entirely unbelievable witness. His cavalier attitude on the witness stand, his refusal to answer the Court's questions and his utter failure to provide any reasonable answer as to why he. like •Ms. Cade, failed to come forward for 10 years were rather remarkable, He, similar to Ms. Cade. testified in response to one of the Court's questions that if the defense investigator hadn't contacted him, he probably would never had come forward to clear a fellow gang member and friend of 30 years. Having, determined that both of Petitioner's key witnesses were not

credible at the evidentiary hearing. this Court specifically finds that Petitioner has not met his burden in proving the allegations contained in the Petition for Writ of Habeas Corpus. To the contrary, it is clear to the Court that Daphne Cade was present at the time of the shooting of Jaime Plasencia, did see Petitioner put the gun to the victim' s head and truthfully testified about what she saw in the 1993 proceedings.
In addition, even had Ms. Cade testified at trial as she did in the evidentiary hearing, the verdict would have been the same. The jury that convicted Petitioner had evidence before it that during the initial trial, Debra Johnson told Michael Good and Daphne Cade how to testify. The jury considered this evidence in judging these witnesses' credibility and in determining that petitioner murdered Jaime Plasencia. A subsequent uncredible recanting of her previous testimony would also resulted in a guilty verdict against the Petitioner. For all the reasons stated above. the Petition for Writ of Habeas Corpus is denied.

DATED: 11/10/04~~ -.
(signature)\
GARY E. DAIGH ,JUDGE OF THE SUPE

EXHIBIT C
COURT OF APPEAL OPINION

(DOCUMENT RETYPED FOR THIS PETITION)
NOT TO BE PUBLISHED
COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. ROBERT LEE BROADNEX, Defendant	No.B079856 (Super. NO. TA020341) (FILE STAMP: FEB 21, 1995)

THE COURT:*

Appellant, Robert Lee Broadnex, was convicted by a jury of second degree murder with a finding he used a gun in the commission of the murder. . (Pen. Code, §~ 187, 12022.5, subd. (a).) The trial court found appellant served two prior prison terms and sustained a prior serious felony conviction. (Pen. Code, §S 667, subd. (a), 667.5, subd. (b).) The trial court sentenced appellant to a total prison term of 27 years to life and imposed a $200 restitution fine. Broadnex appeals from the judgment.

FACTS

Viewed in the light most favorable to the judgment (People v. Ceja (1993) 4 Cal.4th 1134, 1138-1139), the evidence established the following. In the early morning hours of August 18, 1992, Debra Johnson heard appellant angrily ask Jaime Plasencia in front of Johnson's residence

on 84th Place near Kansas Avenue in Los Angeles for the name of the person who had told Plasencia to stay away from appellant. After Plasencia denied knowing that person's name, appellant killed Plasencia by shooting him in the head at close range with a handgun. Appellant ha- a cast on each arm extending from the elbow to part of the hand. The casts did not cover his fingers. Michael Good, who had come to the area of Johnson's residence to buy cocaine, saw appellant raise the gun while appellant stood near Plasencia. Daphne Cade, who lived with Johnson, saw appellant place the gun against Plasencia's head.[1]

1. Johnson, Cade, and Good were each reluctant to disclose their knowledge regarding the shooting. When Johnson was first interviewed by the police, she did not mention the names of all the people she saw outside her house immediately before she went inside the house and heard the shooting because she was afraid for the safety of Cade, Good, and her family. She stated she had some problems after giving the police more complete information, but did not elaborate. When Cade spoke to the police two days after the shooting, she did not mention that Good and a man named Dempsey were present when the shooting occurred because she was afraid they might get hurt. Immediately after identifying appellant in a photographic

In defense, a juror testified that,

during a recess in a previous trial in the same matter, he noticed that while Johnson, Cade, and Good were huddled together, Johnson pointed at Good and told him: "[W3hatever you do, make sure you stick to your story." However, the juror did not overhear what was said immediately before or after that comment. The juror did not believe anyone had testified yet when the comment was made.[21] Appellant's brother stated he saw appellant about 11 p.m. on August 17, 1992, at 204 West 118th Street. However, none of the defense witnesses knew appellant's whereabouts at

(Fn. 1 Cont'd.)

lineup, Cade told the police she was afraid and did not want to get involved. After Good identified appellant by nickname and description as the shooter when interviewed by the police, Good asked the police to deny that he had spoken to them and threatened he would kill someone if he was subpoenaed or the police went to his mother's house. At a photographic lineup containing appellant's photograph, Good selected the photograph of someone other than appellant but whose complexion most resembled that of appellant, stating that person's complexion favored the shooter but Good was uncertain whether he was the shooter. Good did not identify appellant at trial. Good stated that he is concerned about his family's safety, that the shooter lives in his community, and

that when one is a snitch, people get hurt.

2. The first trial resulted in declaration of a mistrial because the jury was deadlocked. During the prosecution's case-in-chief in the second trial, Johnson and Cade testified that, during a recess in the previous trial, Johnson told Cade to stick to her story. Johnson stated Cade was upset and felt as if she was lying on the witness stand because of the manner in which she was being questioned. Johnson said that, after asking Cade whether she was telling the truth, Johnson remarked, "'Well[,] continue to Stick with your story[;] just tell the truth."

the time of the shooting. Although appellant had casts on both arms, he was able to use his fingers to dial the phone and brush his hair.

CONTENTIONS

Appellant contends (1) that the trial court improperly precluded defense counsel from asking Good whether he intended to buy cocaine from Johnson, from questioning Johnson, Cade, and Good about cocaine use more than 24 hours from the time of the offense, and from introducing evidence that the police found no money on the victim's person and that cocaine was in the victim's system when he died, (2) that appellant's motion for mistrial should have been granted because a police officer improperly testified in a manner that indicated appellant was a gang member, and (3) that the restitution fine should be reduced to $100. Appellant asserts that, if his attorney's failure to object to imposition of a restitution fine above the statutory minimum that applies to crimes committed in August 1992 constituted a waiver of any challenge to a fine greater than $100, appellant received ineffective assistance of counsel at the sentencing hearing.

DISCUSSION

1. Restriction of Questioning of Prosecution Witnesses

In opposition to the prosecutor's motion

before trial to preclude introduction of evidence whether the victim had money on his person or cocaine in his blood when he was killed and whether any witnesses used cocaine beyond a period of 24 hours from the time of the offense, defense counsel argued evidence the victim had cocaine in his system and no money on his person and possible evidence that Cade, who was unemployed, Johnson, or Good frequently used cocaine were relevant to support a theory that someone else killed the victim after giving him cocaine and stealing his money. The prosecutor stated that in the previous trial appellant testified he regularly sold drugs to Cade or sold drugs to her on one or two occasions. The trial court ruled the evidence that the victim had no money on his person and had cocaine in his system was inadmissible because it was irrelevant. The court ruled that during the case-in-chief evidence of any cocaine use by prosecution witnesses must be limited to 24 hours from the time of the offense because any additional use was irrelevant.

During trial, appellant urged the trial court to allow introduction of evidence there was cocaine in the victim's system and no money on the victim's person to support a theory that Good was the killer since Good intended to purchase cocaine and cocaine users often steal. The trial court stated that its ruling had not changed and that evidence the victim had no money on his person was irrelevant.

At an Evidence Code section 402 hearing

during trial, the prosecutor argued defense counsel should not be permitted to ask Good from which house he intended to purchase cocaine on the date of the offense. Defense counsel stated he believed Good would testify he intended to buy cocaine from Johnson, her son, or both of them. Defense counsel asserted that testimony should be allowed to establish bias and motive. The trial court ruled that whether Johnson was selling cocaine was irrelevant and that defense counsel therefore could not ask Good from whom or from which house he planned to buy cocaine. The contention that the trial court improperly restricted defense questioning of prosecution witnesses is unavailing. In light of Johnson's testimony that before the shooting she disliked appellant and that one reason she did not provide the police with all the information she had about the shooting when she was first questioned was to protect the safety of Cade and Good, her statement to the police that she had warned the victim to stay away from appellant, her conflicting statements that she was up at 3 a.m. because she planned to take her 14-year-old daughter to breakfast or because she was celebrating her daughter's 14th birthday, her other inconsistent statements, Cade's inconsistent statements, Good's testimony he was in the area to buy or beg for cocaine, Good's comment to the police that he had a problem with cocaine, Good's many inconsistent statements, and the former

juror's testimony regarding the conversation he overheard between Johnson and Good, any evidence that Good had planned to buy cocaine from Johnson or testimony by Johnson, Cade, or Good that any of them used cocaine more than 24 hours from the time of the offense would not reasonably have produced a significantly different impression of the credibility of any of these witnesses. (People v. Cooper (1991) 53 Cal.3d 771, 816–818; People v. Belmontes (1988) 45 Cal.3d 744, 780–781.)

The trial court properly precluded introduction of evidence that the victim had cocaine in his system when he died and that the police did not find any money on the victim's person. Evidence of a motive or opportunity for a third party to commit a crime is insufficient to raise a reasonable doubt as to the defendant's guilt unless there is direct or circumstantial evidence linking the third party to the crime. (People v. Alcala (1992) 4 Cal.4th 742, 792–793; People v. Edelbacher (1989) 47 Cal.3d 983, 1017–1018.) Because there was neither direct nor circumstantial evidence linking Good or any other third party to the shooting, the trial court did not err in excluding evidence that the victim had cocaine in his system when he died and that the police did not find any money on the victim's person. (Ibid.)

2. Gang Evidence

Cade testified that at the time of the

shooting she was standing in front of 'a neighbor's house with Good and Dempsey. During cross-examination of Los Angeles Police Officer Gerald Alford, the chief investigating officer, defense counsel asked whether the officer ever contacted Dempsey. Officer Alford responded: "I attempted to several times. Mr. Dempsey had a felony outstanding warrant and he was another 8-Trey gangster, and be would refuse to return my phone calls. [IF) I understand he's just recently been incarcerated again, so I will make another attempt to contact him, but during this investigation' on several occasions, he refused to come to the door. I had seen him at the location and then he'd run into the house."
Defense counsel moved for a mistrial on the grounds the officer's reference to gang membership was prejudicial because the officer gestured toward appellant when he said "another 8-Trey gangster." The trial court and prosecutor stated they saw the officer's hand move in appellant's direction but did not see the officer point at appellant. The trial court denied the motion for mistrial, struck all portions of the officer's answer after the sentence that he attempted to contact Dempsey several times, and admonished the jury to disregard all parts of that answer other than the officer's statement that he did not interview Dempsey. In addition, the trial court asked that any jurors who could not follow the admonition raise their hands. The record does not reflect

that any juror's hand was raised.

The contention that the trial court erred in denying appellant's motion for mistrial fails. In view of the lack of any express reference to appellant when Dempsey's gang membership was mentioned and the trial court's admonition, to the jury to disregard the officer's reference to gang membership, it is not reasonably probable that appellant would have obtained a more favorable result absent the officer's response to defense counsel's question. (See People v. Gould (1960) 54 Cal.2d 621, 627-628; People v. Luparello (1986) 187 Cal.App.3d 410, 427.)

3. Restitution Fine~

Appellant was sentenced on September 15, 1993. After pronouncing sentence, the trial court advised appellant of his right to appointed counsel and a free transcript on appeal if appellant was indigent and ordered appellant to pay a $200 restitution fine, stating: "If you cant afford to hire an attorney on appeal, the Court of Appeal will appoint one for you. [11) If you can't afford to get a transcript, they will also provide a free [transcript]. [If) You do have to pay a $200 restitution fine."

When the offense was committed, former Government Code section 13967, subdivision (a), provided in pertinent part:

"[I]f the person is convicted of one or more felony offenses, the court shall impose a . . . restitution fine of not less than one hundred dollars ($100) and not more than ten thousand dollars ($10,000). In setting the amount of the fine for felony convictions, the court shall consider any relevant factors including, but not limited to, the seriousness and gravity of the offense and the circumstances of its commission, any economic gain derived by the defendant as a result of the crime, and the extent to which others suffered losses as a result of the crime. Those losses .may include pecuniary losses to the victim or his or her dependents as well as intangible losses, such as psychological harm caused by the crime." (Stats. 1991, ch. 657, § 1, 5 Deering's Adv. Legis. Service, p. 2733.) Former Government Code section 13967, subdivision (a), was amended, effective September 12, 1992, to provide that the minimum restitution fine was $200. (Stats. 1992, ch. 682, § 4, 5 Deering's Adv. Legis. Service, p. 2491.)

The contention that the trial, court erred in imposing a $200 restitution fine is unavailing. In light of the gravity of the offense, the restitution fine was not excessively high. Imposition of that fine after advisement of appellant's right to appeal and to obtain appointed counsel and a free transcript on appeal if appellant was indigent does not itself indicate the trial court intended to

impose the statutory minimum fine, and the record does not otherwise so reflect. In view of appellant's lengthy sentence, the trial court could reasonably have determined that the fine could be paid from appellant's prison wages if appellant was indigent. (People v. Frye (1994) 21 Cal. App.4th 1483, 1485-1487.)

Because the record does not reflect that appellant would have obtained a more favorable result if his attorney had pointed out at the sentencing hearing that the statutory minimum amount for a restitution fine for a felony committed in August 1992 was $100, appellant has not established that he received ineffective assistance of counsel at the sentencing hearing. (People v. Kelly (1992) 1 Cal.4th 495, 519-520.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

EXHIBIT D SUPERIOR COURT EVIDENTIARY HEARING ON HABEAS CORPUS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT SC 0 HON. GARY W. DAIGH, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. ROBERT LEE BROADNEX, Defendant	) Case No.: NO. TA020

REPORTER'S TRANSCRIPT OF PROCEEDINGS
JULY 16, 22, 2004

APPEARANCES:

FOR THE PLAINTIFF:
STEVE COOLEY, DISTRICT ATTORNEY
BY, REBECCA MADRID, DEPUTY
200 WEST COMPTON BOULEVARD, 7TH FLOOR
COMPTION, CALIFORNIA

FOR THE DEFENDANT:
MARILEE MARSHALL. ESQUIRE
523 WEST SIXTH STREET
SUITE 1109
LOS ANGELES, CA 90014

(COVER RETYPED FOR THIS PETITION)

INDEX OF WITNESSES

PEOPLE'S WITNESSES
Marry Mills

DEFENDANT' S WITNESSES
CADE, DAPHNE
BROADNEX,
MIRIAM
MORISETTE, KEITH
(PAGE NUMBERS ELIMINATED FOR THIS DOCUMENT.)

COMPTON, CALIFORNIA; FRIDAY, JULY 16, 2004
9:30 A.M.
DEPARTMENT NO. SC 0 HON. GARY E. DAIGH, JUDGE
APPEARANCES:
THE DEFENDANT WITH HIS COUNSEL, MARILEE MARSHALL AND SEINA TAKAMATSU, ESQUIRE;
COUNTY; REBECCA MADRID, DEPUTY DISTRICT ATTORNEY FOR THE COUNTY OF LOS ANGELES,
REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

(DONNA MARIE REED, CSR #8897, OFFICIAL REPORTER.)

THE COURT: ALL RIGHT. LET'S GO ON THE CASE OF PEOPLE VERSUS BROADNEX. LET' S HAVE THE APPEARANCES PLEASE.
MR. MARSHALL: MAR ILEE MARSHALL ON BEHALF OF MR. BROADNEX, PETITIONER.
MS. TAKAMATSU: SEINA TAKAMATSU FOR MR. BROADNEX.
THE COURT: AND FOR THE PEOPLE?
MS. MADRID: REBECCA MADRID FOR THE PEOPLE, YOUR HONOR.
THE COURT: OKAY. WE'RE HERE TO HOLD AN EVIDENTIARY HEARING ON THE ISSUES RAISED BY THE

PETITION FOR WRIT OF
HABEAS CORPUS AND THE VARIOUS DOCUMENTS. WE LAST SAW DEFENSE COUNSEL BACK ON MAY 2 1ST. WE SET TODAY TO GET THE WITNESSES HERE. I ASSUME THAT YOU HAVE WITNESSES?

MR. MARSHALL: YOUR HONOR, I HAVE MS. CADE.

UNFORTUNATELY MR. MORISETTE HAD A SEIZURE AND IS NOT HERE. I WOULD PREFER TO GO ON WITH MS. CADE AND THEN ASK THE COURT TO PERHAPS LET US BRING IN MR. NORISETTE. I SPOKE WITH MISS MADRID AND SHE IS NOT AVAILABLE UNTIL NEXT FRIDAY. NEXT FRIDAY WE CAN BRING HIM. I'M SURE HE WILL RECOVER. HE DOES HAVE SEIZURES REGULARLY, BUT THEY USUALLY DON' T LAST.

THE COURT: WHAT KIND OF SEIZURE?

MR. MARSHALL: WELL, I REALLY DON'T HAVE THE MEDICAL RECORDS, BUT IT IS A LIFE-LONG PROBLEM. EPILEPSY, I WOULD IMAGINE. I WOULDN'T WANT TO REPRESENT EPILEPSY REALLY, BUT THAT WOULD BE MY TAKE ON HOW IT WAS DESCRIBED TO ME THAT IT HAPPENED.

THE COURT: WHEN DID IT HAPPEN?

MR. MARSHALL: I THINK IT WAS ON THURSDAY.

THE COURT: YESTERDAY?

MR. MARSHALL: YESTERDAY -- NO. I'M SORRY. PROBABLY WEDNESDAY NIGHT.

THE COURT: WELL, LET'S GO WITH WHAT YOU'VE GOT. THE ONLY REASON I' M

HESITATING IS WE ARE IN TRIAL ALL THE TIME.

WE SET ASIDE THIS MORNING FOR THIS. WE ARE TRYING TO ARGUE A CASE THIS AFTERNOON.

MR. MARSHALL: I DO APOLOGIZE. I HAD HOPED HE WOULD BE BETTER TO COME TODAY, BUT NO ONE HAS HEARD FROM HIM SINCE HE WAS TAKEN AWAY IN THE AMBULANCE TO DANIEL FREEMAN.

THE COURT: LET'S DO WHAT YOU HAVE. THEN WE WILL TAKE THAT ISSUE UP AFTER WE LITIGATE THIS. ALL RIGHT?

IS THERE A MOTION TO EXCLUDE WITNESSES?

MS. MADRID: YOUR HONOR, MY UNDERSTANDING IS THAT

1 THERE IS ONLY ONE WITNESS HERE TODAY.
2 THE COURT: ALL RIGHT. SO THERE IS NOT A MOTION TO
3 EXCLUDE WITNESSES?
4 MR. MARSHALL: WELL, TO BE HONEST WITH THE COURT,
5 THERE ARE WITNESSES TO -- I HAVE MR. BROADNEX'S FAMILY HERE
6 AND THERE IS APPARENTLY SOME QUESTION ABOUT WHICH COUNSEL
7 MIGHT GO INTO ABOUT HOW THE CONTACT WAS MADE IN THIS CASE SO
8 THEY WOULD BE WI TNESSES TO THE CONTACT.
9 MS. MADRID: AND THAT' S TRUE, YOUR HONOR. THAT WOULD
10 BE MS. MILLS, I BELIEVE.
11 THE COURT: SO YOU WANT ME TO EXCLUDE ANY POTENTIAL
12 WITNESSES OTHER THAN THE FIRST WITNESS, RIGHT?
13 MS. MADRID: YES.
14 THE COURT: OKAY. SO WHOEVER MAY BE A WITNESS IN THIS
15 HEARING, I DON'T KNOW, CAN'T BE HERE WHILE OTHER WITNESSES
16 ARE TESTIFYING SO YOU HAVE TO BE EXCUSED. AND MS. MARSHALL,
17 WHOEVER IT IS YOU THINK MAY TESTIFY, YOU' LL HAVE TO HAVE THEM
18 EXCUSED.
19 MR. MARSHALL: THAT WOULD BE MRS. BROADNEX AND
20 MR. BROADNEX'S SISTER.
21 THE COURT: WHOEVER YOU ARE, YOU KNOW AND YOU' LL HAVE
TO STEP OUTSIDE UNTIL IT'S YOUR TIME TO

TESTIFY.

(INTERRUPTION IN PROCEEDINGS.)

THE COURT: OKAY. THEN READY TO GO?

MR. MARSHALL: YES, YOUR HONOR. WE WOULD CALL DAPHNE CADE PLEASE.

THE COURT: OKAY. MA'AM, IF YOU WOULD PLEASE COME FORWARD. AND JUST IF YOU WOULD STOP. RAISE YOUR RIGHT HAND TO BE SWORN.

DAPHNE CADE,
CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED AS FOLLOWS:
THE CLERK: YOU DO SOLEMNLY STATE THAT THE TESTIMONY
YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO
HELP YOU GOD.

THE WITNESS: YES, I DO.
THE CLERK: PLEASE HAVE A SEAT.
MA'AM, WOULD YOU PLEASE STATE AND SPELL YOUR FULL NAME FOR THE RECORD SLOWLY.

THE WITNESS: DAPHNE CADE, D-A-P-H-N-E, C-A-D-E.
THE COURT: OKAY. MS. CADE, THANK YOU. KEEP YOURVOICE UP REAL LOUD.
BY MS. MARSHALL
MS. MARSHALL, PLEASE PROCEED. DIRECT EXAMINATION
Q. MS. CADE, DO YOU KNOW THE MAN SEATED TO MY RIGHT?

A. YES, I DO.

Q. DO YOU REMEMBER BACK IN '83 TESTIFYING AT A TRIAL
HERE --

THE COURT: DO YOU KNOW WHAT? I'M NOT THAT OLD.

MR. MARSHALL: I 'M SORRY. '93. I AM, UNFORTUNATELY.

Q. BY MR. MARSHALL: BACK IN '93 --

A. YES, I DO.

Q. -- DO YOU REMEMBER TESTIFYING AT A TRIAL THAT YOU SAW HIM SHOOT SOMEBODY?

A. YES, I DO.

Q. WERE YOU TELLING THE TRUTH?

A. NO.

Q. DO YOU REMEMBER THE SHOOTING THAT TOOK PLACE IN YOUR NEIGHBORHOOD BACK IN AUGUST OF '92?

A. NO.

Q. DO YOU REMEMBER GOING HOME ONE NIGHT AND SEEING - - OR GOING BACK TO WHERE YOU WERE STAYING AND SEEING THE POLICE TAPE?

A. YES.

Q. AND DID YOU SEE A BODY ON THE STREET?

A. YES.

Q. SO YOU DO REMEMBER THAT?

A. YES.

Q. WERE YOU THERE WHEN THE SHOOTING HAPPENED?

A. NO, I WASN'T.

Q. WHY DID YOU COME IN TO COURT AND TESTIFY THAT YOU SAW MY CLIENT DO THIS?

25 A. BECAUSE WHERE I WAS STAYING AT, THE LADY NAME IS
26 DEBRA JOHNSON. HER AND THE DETECTIVES TOLD ME THAT'S WHAT I
27 HAD TO SAY.
28. DID MISS JOHNSON TELL YOU ANYTHING ABOUT THE [LINE NUMBERS IN ORIGINAL] MURDER?
A. YES.
MR. MARSHALL: I'M OFFERING THIS JUST FOR ITS EFFECT ON MS. CADE, NOT FOR THE TRUTH OF THE MATTER. I'M ELICITING HEARSAY.
A. YES
BY MR. MARSHALL: WHAT DID MS. JOHNSON TELL YOU ABOUT THE MATTER, ABOUT THE MURDER?
A. TOLD ME WHAT TO SAY.
Q. YEAH. WHAT DID SHE TELL YOU? DID SHE TELL YOU SHE SAW THE MURDER?
A. YES
Q. AND WHAT DID SHE TELL YOU TO SAY? AND WHAT DID SHE TELL YOU TO SAY?

A. TO TELL ME THAT I SEEN MR. BROADNEX DO IT.
Q. AND DID YOU ULTIMATELY TELL THE DETECTIVE THAT YOU SAW IT?
A. EXCUSE ME?
Q. DID YOU ULTIMATELY TELL THE DETECTIVE THAT YOU SAW HIM DO THE SHOOTING?
A. NO I DIDN'T TELL THE DETECTIVE THAT. I TOLD HIM THAT I DID NOT SEE IT.
Q. DID YOU KNOW THAT MR. BROADNEX HAD CASTS ON HIS HANDS?
A. NO, I DON'T.
Q. WHY WOULD DEBRA JOHNSON, IF YOU KNOW, TELL YOU TO SAY THAT MR. BROADNEX COMMITTED THE MURDER?

MS. MADRID: OBJECTION. CALLS FOR SPECULATION.
THE COURT: WELL, THAT OBJECTION IS SUSTAINED. WHAT
OF COURSE SHE TOLD THE WITNESS ABOUT THAT WOULD BE ADMISSIBLE. SO WHAT MS. JOHNSON TOLD MS. CADE ABOUT THAT.SO JUST REPHRASE THE QUESTION.
Q. BY MR. MARSHALL: WHAT DID DEBRA JOHNSON TELL YOU ABOUT THE MURDER AT ALL? TELL US EVERYTHING THAT MS. JOHNSON TOLD YOU.
A. SHE TOLD ME WHAT SHE SEEN
Q. WHAT DID SHE SAY SHE SEEN?
A. THAT SHE SEEN MR. BROADNEX PUT THE GUN TO THE MAN'S HEAD.
Q. DID SHE TELL YOU WHAT IT WAS ABOUT?
A. NO, SHE DIDN'T.
Q. WERE YOU STAYING WITH DEBRA JOHNSON?
A. YES, I WAS.
Q. AND WAS THERE DRUG DEALING GOING ON IN THAT HOUSE?
A. YES
Q. DO YOU KNOW THE PERSON THAT WAS KILLED?
A. YEAH.
Q. DID HE LIVE THERE?
A. NO.
Q. MR. MARSHALL: I HAVE NOTHING FURTHER.
THE COURT: OKAY. MS. MADRID, THEN CROSS-EXAMINATION

CROSS -EXAMINATION

BY MS. MADRID

Q. MS CADE, IS THAT HOW YOU PRONOUNCE IT?

A. MS. CADE.

Q. MS. CADE. MS. CADE, WHO DROVE YOU TO COURT

A. MIRIAM, MS. BROADNEX.
Q. AND WHO IS MIRIAM BROADNEX?
A. MR. BROADNEX'S WIFE.
Q. AND DO YOU KNOW WITHOUT GIVING US AN ADDRESS DO YOU KNOW- WHERE MS. BROADNEX LIVES
A. NO, I DON'T.
-IN THE NEIGHBORHOOD?
Q. NOW, IT WAS MS. BROADNEX THAT TOLD YOU TO COME TO COURT; ISN'T THAT TRUE?
A. NO, IT'S NOT.
Q. IT'S NOT TRUE THAT MS. BROADNEX TOLD YOU TO COME TO COURT?
A. NO. SHE DIDN'T TELL ME TO COME TO COURT.
Q. NOW, WHERE WERE YOU LIVING AT THIS TIME, THE GENERAL AREA.

A. ON 84TH PLACE, WHERE I'VE BEEN THERE ALL MY LIFE.

Q. AND WHO DO YOU LIVE WITH?

A. I STAY WITH MY SISTER.

Q. AND HAVE YOU EVER BEEN HOMELESS, MS. CADE?

A. YES, I HAVE.
GENERAL AREA?

Q. AND 84TH PLACE -- HOW FAR AWAY FROM THAT WAS THE PLACE WHERE THE SHOOTING HAPPENED?
A. DIAGONALLY ACROSS THE STREET. IT'S A LITTLE BIT AWAYS.

Q. AND HOW FAR AWAY FROM DEBRA JOHNSON' S HOUSE IS WHERE YOU'RE LIVING NOW?
A. FAR AWAY.
Q. FAR AWAY?
A. YES.
Q. BUT DIDN'T THE SHOOTING HAPPEN IN FRONT OF DEBRA
JOHNSON'S HOUSE?
A. I GUESS IT DID.
Q. SO ISN' T DEBRA JOHNSON' S HOUSE THEN JUST ACROSS
THE WAYS FROM WHERE YOU' RE LIVING NOW?
A. NO, IT'S NOT.
Q. SO HAS DEBRA JOHNSON MOVED SINCE THE TIME OF THE SHOOTING?

A. I GUESS SHE HAVE. I DON'T KNOW. I'M NOT LOOKING FOR HER.
Q. HAVE YOU SEEN HER --
A. NO, I HAVEN'T.
Q. OKAY. YOU HAVE TO WAIT UNTIL I FINISH THE QUESTION BECAUSE THE REPORTER CAN ONLY TYPE US ONE AT A TIME. OKAY?

A. GO AHEAD.

Q. NOW, IN THE PAST 12 YEARS SINCE THE NIGHT OF THE SHOOTING IN AUGUST OF 1992 HAVE YOU SEEN DEBRA JOHNSON?

A. NO, I HAVEN'T.
Q. AND IN THE PAST 12 YEARS SINCE THE SHOOTING IN *1992* HAVE YOU SEEN MS. MIRIAM BROADNEX?

A. NO.

Q. YOU HAVE NOT SEEN HER AT ALL SINCE THE TIME OF THE SHOOTING?
A. YEAH. I'VE SEEN HER A COUPLE OF TIMES.
Q. OKAY.
A. OKAY.
Q. SO WHEN DID YOU SEE HER THOSE COUPLE OF TIMES?
A. WHAT DO YOU MEAN?
Q. JUST WHAT I'M ASKING YOU. WHEN WAS THE FIRST SAW MS. BROADNEX AFTER THE SHOOTING IN 1992?

A. OH, IT WAS SOME MONTHS.

Q. IT WAS SOME MONTHS AFTER THE SHOOTING?
A. WAY LONG MONTHS.

Q.AND SO THEN YOU WOULD HAVE SEEN MS. MIRIAM AFTER YOU TALKED TO THE DETECTIVES, CORRECT?

A. EXCUSE ME?

Q YOU WOULD HAVE SEEN MS. BROADNEX AFTER YOU TALKED TO THE POLICE?
A. NO. WHY WOULD YOU FIGURE THAT?
Q. I'M ASKING YOU, DID YOU?
A. NO.
Q. BUT YOU SAW HER SOME MONTHS AFTER THE SHOOTING,

A. YEAH. WAY AFTER THIS WAS ALL OVER WITH.

Q. OKAY. NOW, DID YOU SEE MS. BROADNEX BETWEEN THE YOU TESTIFIED AT THE TRIAL -- ABOUT THE SHOOTING BETWEEN THEN AND TODAY' DATE?
A. NO
Q. YOU HAVE NOT SEEN MS. BROADNEX BETWEEN THAT TIME?
A. NO. NO.
Q. ARE YOU AFRAID OF MS. BROADNEX?
A. NO I'M NOT.
Q. NOW YOU SAY YOU SAW MS. BROADNEX SOME MONTHS AFTER THE ACTUAL SHOOTING ITSELF, CORRECT?
A. AFTER THE WHOLE TRIAL WAS OVER WITH, EVERYTHING.
Q. OKAY
A. 'CAUSE I WAS LOOKING FOR SOMEBODY BECAUSE I FELT BAD ON SENDING THIS MAN TO JAIL FOR SOMETHING I DID NOT SEE HIM DO.
Q. OKAY. SO WHEN YOU FELT BAD, DID YOU TALK TO ANYBODY ELSE OTHER THAN MS. BROADNEX?

A.YES, I DID.

Q.AND WHO DID YOU TELL?

A. MY FAMILY.

Q. AND WHO WOULD THAT BE? SPECIFICALLY WHO IN YOUR FAMILY?

A. MY MOM, MY DAD.

Q. AND YOUR MOM AND DAD, THEY LIVE IN THE SAME NEIGHBORHOOD YOU LIVE IN?
A. NO, •THEY DON'T.

Q. THEY DON'T?
A. NO, THEY DON'T.

Q. WHERE DO THEY LIVE JUST GENERALLY?

A. I'D RATHER NOT SAY. I'D RATHER NOT SPEAK ON THAT.

Q. JUST WHICH CITY DO THEY LIVE IN?

A. I'D RATHER NOT SPEAK ON THAT.

MS. MADRID: YOUR HONOR, I WOULD ASK THAT THE COURT --

THE COURT: WHAT CITY DO YOUR MOM AND DAD LIVE IN?

WITNESS: LONG BEACH.

COURT: THANK YOU.

BY MS. MADRID: AND DO THEY HAVE A CAR?

A. THEY SURE DO.

Q. AND DO YOU HAVE A CAR?

A. NO, I DON'T.

Q. NOW, WHEN DID YOU TELL YOUR PARENTS THAT YOU HAD LIED AT TRIAL
A. EXCUSE ME?

Q. WHEN DID YOU TELL YOUR PARENTS THAT YOU HAD - -

A. THE SAME DAY THAT I WENT.

Q. THE SAME DAY THAT YOU TESTIFIED?
A. YES.

Q. NOW, DID YOUR PARENTS COME TO THE TRIAL TO SUPPORT YOU?

A. NO, MY PARENTS DIDN' T.

Q. NOW, DID YOU EVER GO BACK TO THE POLICE AFTER THE TRIAL?

A. NO, I DID NOT.

THE COURT (REPORTER?): YOU KNOW, MS. CADE, IT' S TOUGH FOR ME TO

WRITE DOWN WHAT YOU'RE SAYING AND THE QUESTION BECAUSE YOU'RE ANSWERING TOO QUICKLY.

THE WITNESS: OKAY. I APOLOGIZE.

THE COURT: THAT' S OKAY. JUST WAIT UNTIL THE D . A. IS DONE WITH HER QUESTION AND THEN SHE WON' T INTERRUPT YOUR ANSWER. OKAY?

THE WITNESS: OKAY.

THE COURT: GO AHEAD.

Q. BY MS. MADRID: NOW, DID YOU TALK TO

THE POLICE AFTER THE TRIAL WAS ALL OVER WITH AND TELL THEM THAT YOU HAD IN FACT LIED AT TRIAL AND YOU WANTED TO SET THE RECORD STRAIGHT?
A. NO.
Q. WHY IS THAT?

A. I DIDN'T. 'CAUSE I JUST DIDN'T.

Q. BECAUSE YOU JUST DIDN'T. NOW, AFTER -- WHEN DID YOU MOVE OUT OF DEBRA JOHNSON'S HOUSE?

A. EXCUSE ME?

Q. WHEN DID YOU MOVE OUT OF DEBRA JOHNSON' S TRAILER? YOU LIVED IN A TRAILER ON HER PROPERTY, CORRECT?

A. NO. I LIVED IN THE HOUSE WITH HER GRANDMOTHER.

Q. OKAY. AND THAT WAS AT THE TIME OF THE SHOOTING,
A. YES.

Q. WHEN DID YOU MOVE OUT? WHEN WERE YOU NO LONGER LIVING WITH DEBRA JOHNSON?

A. I HAD STOPPED LIVING THERE BEFORE THE SHOOTING. I WAS JUST GOING BACK AND FORTH.

---

1 Q. OKAY. SO YOU DID NOT LIVE WITH DEBRA JOHNSON AT
2 THE TIME OF THE SHOOTING?
3 A. NO.
4 Q. AND YOU SAY THAT DEBRA

JOHNSON TOLD YOU WHAT TO
SAY AT TRIAL, CORRECT?
A. YES.
Q. NOW, AFTER THE TRIAL WAS OVER FOR THE SECOND TIME
IN 1993, WERE YOU STILL LIVING WITH DEBRA JOHNSON?
A. NO.
Q. AND FROM THE TIME AS YOU SIT HERE NOW IN COURT TO
THE TIME THAT YOU LAST TESTIFIED AT TRIAL IN AUGUST OF - - OF
DECEMBER OF 1993 HAVE YOU LIVED WITH DEBRA JOHNSON?
A. NO.
Q. BUT IN ALL OF THOSE 12 -- 11, 12 YEARS -- I'M
SORRY. I'M TRYING YOUR PATIENCE. I DON'T MEAN THAT. BUT IN
ALL OF THOSE 12 YEARS YOU NEVER CAME FORWARD TO TELL ANYBODY
THAT YOU HAD LIED AT TRIAL; ISN'T THAT TRUE?
A. NO.
Q. AND YET TODAY YOU'RE COMING IN HERE AND SAYING I
LIED, CORRECT?
A. NO. I'VE BEEN WANTING TO TALK TO SOMEBODY. I
JUST DIDN'T KNOW WHO TO TALK TO.
Q. WELL, YOU KNEW THAT MR. BROADNEX HAD A WIFE,
CORRECT?
A. NO.
Q. DID YOU KNOW THAT HE HAD PEOPLE IN THE
NEIGHBORHOOD?

28
OF COURSE. I KNOW HIS PEOPLE TOO.

Q. YOU KNOW HIS PEOPLE?
PEOPLE?
A. YES, I DO.

Q. WHY DIDN'T YOU COME FORWARD TO TALK TO HIS PEOPLE?

A. BECAUSE I DIDN' T HAVE THE NUMBER OR ADDRESS TO REACH THEM.
THAT'S WHY.

Q. OKAY. BUT YOU KNOW THE NEIGNBORHOOD, CORRECT?

A. WELL, YES.

Q. AND YOU KNOW PEOPLE IN THE NEIGHBORHOOD WHO HAVE PHONES, ISN'T THAT TRUE?
A. TRUE.
Q. AND EVERY NOW AND THEN CERTAINLY YOU HAVE 50 CENTS OR A QUARTER AND YOU COULD CALL ON A PAY PHONE?

A. I SAID I DID NOT HAVE A NUMBER.

Q. OKAY. YOU KNOW PEOPLE, THOUGH, WHO MAY HAVE KNOWN A NUMBER, CORRECT?

A. NO, I DON'T.

Q. DID YOU EVER PUT WORD OUT ON THE STREET --

A. NO.

Q. - - THAT YOU WANTED TO TELL THE TRUTH?

A. NO.

Q. YOU DID NOT.

MS. MADRID: I HAVE NOTHING FURTHER.

THE COURT: WELL, I HAVE SOME QUESTIONS. ON THE NIGHT OF THE MURDER WHERE WERE YOU PHYSICALLY LIVING?

THE WITNESS: I WAS STAYING AT DEBRA' S.

THE COURT: OKAY. AND WHEN DID YOU STOP STAYING AT DEBRA'S IN RELATION TO THE NIGHT OF THE SHOOTING?

THE WITNESS: LIKE THE DAY BEFORE - - I REALLY WASN' T

STAYING THERE THAT NIGHT. I WAS GOING BACK THERE.

THE COURT: DID YOU GO BACK THERE AFTER THE SHOOTING?

THE WITNESS: YES, AFTER.

THE COURT: FOR HOW LONG DID YOU CONTINUE TO GO BACK
AND VISIT DEBRA JOHNSON?

THE WITNESS: NOT TOO LONG.

THE COURT: WELL, DAYS? WEEKS?

MONTHS? -

9 THE WITNESS: NO. MAYBE A COUPLE OF DAYS.

10 THE COURT: DO YOU REMEMBER THE NIGHT OF THE SHOOTING?

11 THE WITNESS: NOT REALLY.

12 THE COURT: YOU SAID THAT YOU DIDN'T PHYSICALLY SEE

13 ANYBODY KILL THE VICTIM IN THIS CASE, RIGHT?

14 THE WITNESS: NO, I DIDN'T.

15 THE COURT: DID YOU EVER GO TO THE SCENE OF THAT CRIME

16 THAT NIGHT?

17 THE WITNESS: NO.

18 THE COURT: DID YOU EVER HEAR GUNSHOTS THAT NIGHT?

19 THE WITNESS: ME AND KEITH WERE COMING UP VERMONT AND

20 WE COULD HEAR THEM. AND I TOLD HIM, I SAID, "WHAT WAS THAT?

21 IT SOUNDED LIKE A GUNSHOT." THAT'S ALL I TOLD HIM.

22 THE COURT: AND WHAT DID YOU DO?

WHERE DID YOU GO?

THE WITNESS: WE WAS ON HIS WAY TO HIS HOUSE.

THE COURT: SO YOU DIDN'T GO TO THE SCENE OF THE INCIDENT?

THE WITNESS: NO.

THE COURT: WHAT SPECIFICALLY DID DEBRA JOHNSON TELL YOU TO SAY ABOUT THE MURDER?

THE WITNESS: SHE SAID IF THE POLICE ASK, OR THE DETECTIVES ASK, YOU TELL THEM THAT - WE CALL MR. BROADNEX FELLA. SO SHE TOLD ME TO SAY IF THEY ASK ME THAT I SEEN FELLA DO IT.

THE COURT: OKAY. AND YOU DIDN'T SEE FELLA DO IT?

THE WITNESS: NO.

THE COURT: WHY WOULD YOU TESTIFY THAT YOU DID?

THE WITNESS: THE DETECTIVES ALSO TOLD ME TO SAY THAT BECAUSE THEY TOLD ME IF I DIDN'T SAY IT

-- BECAUSE I WAS

10 HIDING FROM THEM.

11 THE COURT: WHY WERE YOU HIDING FROM THEM?

12 THE WITNESS: BECAUSE I DIDN'T SEE NOTHING SO WHY WAS

13 THEY HOUNDING ME?

14 - THE COURT: SO WHAT DID THE POLICE SAY THAT MADE YOU

15 LIE AT TRIAL?

16 THE WITNESS: TOLD ME WHAT TO SAY. THAT THEY WOULD

17 PUT ME IN JAIL.

18 THE COURT: SO DID THEY THREATEN TO PUT YOU IN JAIL

19 THEN?

20 THE WITNESS: YES. THEY HAD A WARRANT FOR ME AND

21 EVERYTHING.

22 THE COURT: WHAT WAS THE WARRANT FOR?

23 THE WITNESS: THE ONE THAT THE DETECTIVE - - I CAN' T

24 REMEMBER HIS NAME. HE TOLD ME TO TELL

MY BOYFRIEND THAT IT

25 WOULD BE A WARRANT FOR MURDER AND THEN HE SAID FOR - - HOW DO

26 YOU STATE IT? FOR NOT COMING AND MAKING A STATEMENT.

27 THE COURT: DID YOU HAVE OTHER THINGS OUTSTANDING AT

28 THE TIME LIKE WARRANTWISE?

---

1 THE WITNESS: NO.

2 THE COURT: YOU SAID YOU THINK THAT YOU DON' T REMEMBER

3 MR. BROADNEX HAVING CASTS ON HIS HANDS AND ARMS?

4 THE WITNESS: NO.

5 THE COURT: DID YOU -- LOOK AT THIS. THIS LOOKS LIKE

6 IT' S ENTITLED "DECLARATION OF DAPHNE CADE." AND SOMEBODY

7 WROTE THIS, SIGNED IT ALLEGEDLY ON MARCH 2 9TH, 2003. DO YOU
8 REMEMBER LOOKING AT THIS AND SIGNING THAT?

9 THE WITNESS: IT'S BEEN SO LONG, NO.

10 THE COURT: OKAY. DOES THAT LOOK LIKE YOUR SIGNATURE?

THE WITNESS: UN-HUH.

THE COURT: IS THAT "YES"?

THE WITNESS: YES.

THE COURT: OKAY. AND UP HERE IT SAYS THAT YOU KNOW

FOR A FACT THAT MR. BROADNEX HAD CASTS ON HIS ARMS AND DID

NOT DO THE MURDER. YOU DON'T REMEMBER WHETHER HE HAD CASTS -Y

OR NOT?

THE WITNESS: NO, I DON'T.

THE COURT: WHEN IS THE LAST TIME YOU SAW DEBRA JOHNSON FROM TODAY? HOW MANY YEARS AGO?

THE WITNESS: IT'S BEEN, OH, LIKE THREE OR FOUR YEARS.

THE COURT: SO YOU SAW DEBRA JOHNSON THREE OR FOUR YEARS AGO?

'\ THE WITNESS: UH-HUH. THE LAST TIME I SEEN DEBRA IS

LIKE A MONTH OR TWO AFTER WE WENT TO THE TRIAL.

THE COURT: SO THE TRIAL WAS, GEEZ, ABOUT 11 YEARS

AGO.

THE WITNESS: SQ THAT'S BEEN ABOUT HOW LONG I'VE SEEN

HER.

THE COURT: SO YOU HAVEN T SEEN HER FOR ABOUT 11 YEARS, RIGHT?

THE WITNESS: NO, I HAVEN' T.

THE COURT: WHEN DID YOU FIRST TELL SOMEBODY OTHER THAN YOUR PARENTS THAT YOU LIED AT TRIAL?

THE WITNESS: ABOUT FOUR OR FIVE MONTHS AGO.

THE COURT: OKAY. AND WHO DID YOU TELL?

THE WITNESS: TRACY.

THE COURT: WHO' S TRACY.

THE WITNESS: THAT'S FELLA'S SISTER.

THE COURT: THAT' S WHO?

THE WITNESS: MR. BROADNEX' S SISTER.

THE COURT: AND THAT WAS YOU SAID FOUR OR FIVE MONTHS AGO?

THE WITNESS: UH-HUH.

THE COURT: AND WHY DID YOU TELL HER?

THE WITNESS: 'CAUSE I WAS LOOKING FOR SOMEBODY TO TELL, HIS PARENTS, SOMEBODY, TO LET THEM KNOW.

THE COURT: WHY WOULD YOU

WAIT FOR TEN YEARS --
21 THE WITNESS: BECAUSE I DIDN'T KNOW WHERE THEY WERE.
22 IF I WOULD HAVE KNEW EXACTLY WHERE THEY WERE, THEN I WOULD
23 HAVE TOLD THEM. I DIDN'T HAVE A TELEPHONE NUMBER EITHER.
24 THE COURT: HOW DID YOU HAPPEN TO COME ACROSS THE
25 SISTER?
26 THE WITNESS: I WAS COMING UP THE STREET, COMING UP
27 VERMONT.
28 THE COURT: JUST HAPPENED TO SEE HER?
*

---

1 THE WITNESS: YES.

2 THE COURT: SO HAS THIS BEEN WEIGHING ON YOUR MIND?

3 THE WITNESS: YES, IT HAS.

4 THE COURT: IF IT HAD BEEN WEIGHING ON YOUR MIND, I'M

5 A LITTLE CONFUSED AS TO HOW YOU COULD WAIT TEN YEARS BEFORE

6 YOU JUST HAPPENED TO SEE SOMEBODY AND SAY, OH, BY THE WAY, I

7 LIED. IT DOESN'T MAKE ANY SENSE. WHY WOULDN'T YOU DO IT
8 SOONER?

9 THE WITNESS: BECAUSE I DIDN'T KNOW

WHERE THEY WERE.

THE COURT: AND IF YOU HAD NEVER SEEN HER, THEN YOU WOULD NEVER HAVE TOLD ANYBODY?

THE WITNESS: I PROBABLY WOULDN'T HAVE.

THE COURT: AFTER YOU STOPPED LIVING WITH DEBRA A COUPLE DAYS AFTER THE INCIDENT OR ABOUT THE INCIDENT, WHERE DID YOU MOVE TO OR WHO DID YOU LIVE WITH?

THE WITNESS: I WAS STAYING WITH A GIRL NAMED CASEY, THE GIRL I STAY WITH RIGHT NOW TODAY.

THE COURT: THAT' S ON 84TH STREET.

THE WITNESS: YES.

THE COURT: KEITH MORISETTE, IS HE YOUR BOYFRIEND NOW OR THEN?

THE WITNESS: THEN.

THE COURT: WHEN IS THE LAST TIME YOU SAW HIM?

THE WITNESS: LAST WEEK.

THE COURT: OH, OKAY. SO YOU THINK

YOU HEARD THE

26 SHOTS ABOUT THE TIME OF THE MURDER BUT DIDN'T GO TO SEE IF
27 ANYTHING HAPPENED?

THE WITNESS: NO

---

1 THE COURT: AND MR. BROADNEX, DID YOU KNOW HIM AT THE

2 TIME OF THE SHOOTING?

3 THE WITNESS: I'VE BEEN KNOWING MR. BROADNEX FOR

4 YEARS.

5 THE COURT: JUST SORT OF FRIENDS ON THE STREET?

6 THE WITNESS: UN - HUH.

7 THE COURT: "YES"?

8 THE WITNESS: NEIGHBORHOOD, YES.

9 THE COURT: HOW FAR -- WHEN YOU THINK YOU HEARD THE

10 SHOTS OF THE MURDER, DO YOU HAVE ANY IDEA ABOUT HOW FAR YOU

11 WERE FROM WHERE THE SHOOTING WAS?

12 THE WITNESS: NO, I DON' T.

13 THE COURT: WAS IT A BLOCK OR FIVE

BLOCKS OR YOU HAVE

NO IDEA?

THE WITNESS: COULD HAVE BEEN FIVE BLOCKS.

THE COURT: BUT YOU REALLY DON' T KNOW?

THE WITNESS: NO, I DON'T.

THE COURT: HOW MANY TIMES DID YOU TALK TO THE POLICE

ABOUT WHAT DEBRA TOLD YOU TO SAY?

THE WITNESS: THEY CAME AND GOT ME EVERY DAY.

THE COURT: AND DID YOU INITIALLY TELL THEM THAT YOU

DIDN'T SEE ANYTHING?

THE WITNESS: YES. YES.

THE COURT: AND HOW MANY TIMES DID THEY TALK TO YOU

UNTIL BASICALLY WHEN YOU SAID I DID SEE SOMETHING?

THE WITNESS: ABOUT FOUR OR FIVE TIMES. FIVE TIMES AT

THE MOST.

28 THE COURT: AND YOU TOLD YOUR PARENTS THE DAY THAT YOU

TESTIFIED THAT YOU HAD TESTIFIED FALSELY, RIGHT?

THE WITNESS: YES.

THE COURT: WHAT DID THEY TELL YOU?

THE WITNESS: THAT I SHOULDN' T HAVE DID IT.

THE COURT: DIDN'T THEY TELL YOU TO TELL SOMEBODY ABOUT IT?

THE WITNESS: YES. MY MOM DID BUT I WAS TELLING MY MOM I COULDN'T FIND NOBODY.

THE COURT: YOU KNOW WHERE MR. BROADNEX' S FAMILY LIVED?
WITNESS: NO, I DON' T.

COURT: YOU DID BACK THEN, DIDN'T YOU?

WITNESS: NO. HE USED TO BE IN OUR NEIGHBORHOOD.

COURT: DID YOU KNOW WHERE HE LIVED BACK TEN, 11 YEARS AGO?
WITNESS: NO.

COURT: DID YOU KNOW PEOPLE WHO USED TO HANG AROUND THERE?
WITNESS: MY BOYFRIEND.

COURT: KEITH?

WITNESS: YEAH.

COURT: ANYBODY ELSE?

WITNESS: NO.

COURT: MS. MARSHALL, PLEASE GO AHEAD.

BY MS. MARSHALL:
REDIRECT EXAMINATION
Q. MS. CADE, YOU'VE BEEN HOMELESS OFF AND ON OVER IS THAT CORRECT?

A. YES.

Q. AND YOU STAY WITH DIFFERENT PEOPLE AT DIFFERENT
A. YES.

Q. IS IT REALLY CLEAR IN YOUR HEAD DURING WHAT TIME YOU WERE STAYING IN WHAT PARTICULAR PLACE OR ALL KIND OF GET CONFUSED FOR YOU?

A. SOMETIMES.

Q. WHEN I WAS ASKING YOU QUESTIONS EARLIER, YOU SAID CAME BACK TO MS. JOHNSON' S HOUSE AND SAW THE POLICE TAPE.

A. YES.

Q. IS THAT CORRECT THAT YOU DID?
A. YES.

Q. OKAY. SO WHEN YOU TOLD THE JUDGE THAT YOU DIDN'T RETURN TO THE SCENE, YOU MEANT YOU DIDN'T -- WHAT DID YOU MEAN?

A. I DIDN'T WALK OVER THERE TO IT.

Q. BUT YOU SAW THAT IT WAS-

A. TAPED OFF, YES.

Q. -- TAPED OFF?
AND YOU KNEW THERE HAD BEEN A MURDER THERE?
A. YES.

---

1 Q. AND WAS KEITH WITH YOU AT THAT TIME?
2 A. YES, HE WAS.
3 Q. NOW, ALL THESE YEARS LATER WHEN YOU FINALLY SAW
4 MR. BROADNEX'S SISTER ON THE STREET, WAS SHE WITH MIRIAM
5 BROADNEX?
6 A. YES, SHE WAS.
7 Q. SO IS THAT THE FIRST TIME YOU MET MIRIAM
8 BROADNEX?
9 A. YES.
10 Q. HAS MIRIAM BROADNEX EVER THREATENED YOU TO COME
11 IN HERE AND TESTIFY IN ANY PARTICULAR WAY?
12 A. NO.
13 Q. HAS SHE PAID YOU ANYTHING?
14 A. NO.
15 Q. HAS ANYBODY ELSE THREATENED YOU OR PAID YOU FOR
16 YOUR TESTIMONY?

17 A. NO.
18 Q. DO YOU REMEMBER TALKING TO MY INVESTIGATOR ONE
19 TIME, A MR.MACKEY?
20 A. YES.
21 Q. AND DID HE GIVE YOU A DECLARATION TO SIGN OR TAKE
22 A DECLARATION FROM YOU?
23 A. YES.
24 Q. OKAY. AND HIS HONOR JUST SHOWED YOU THAT IN THAT
25 DECLARATION YOU SAID THAT YOU KNEW THAT MR. BROADNEX HAD
26 CASTS ON BOTH HANDS AND ARMS AND NOW YOU SAY YOU DON'T REALLY
27 REMEMBER THAT?
28 A. NO.

1
Q. SO YOU DON'T REMEMBER WHETHER HE HAD CASTS ON HIS
2 HANDS AND ARMS?
3 A. I CAN'T REMEMBER. I CAN'T REMEMBER.
4 Q. BUT BACK IN MARCH IF YOU SAID THAT AT THE TIME,

5 YOU BELIEVED IT WAS TRUE?
6 A. YES.
7 Q. WHEN DEBRA JOHNSON TOLD YOU THAT SHE SAW

8 MR. BROADNEX DO THIS SHOOTING, DID YOU BELIEVE HER?
9 A. YEAH.
10 Q. OKAY. SO WHEN YOU TESTIFIED, YOU THOUGHT YOU

11 WERE HELPING PUT AWAY SOMEBODY THAT HAD DONE A MURDER?
12 A. YES.
13 Q. YOU DID NOT KNOW THAT MS. JOHNSON IN FACT DID NOT
14 SEE IT, DID YOU?
15 A. NO.
16 Q. WERE YOU AFRAID OF MS. JOHNSON?
17 A. NO. -
18 Q. WERE YOU AFRAID OF THE POLICE?
19 A. NO.
20 Q. NOT RIGHT NOW. AT THE TIME. AT THE TIME THAT

21 THE POLICE WERE HARASSING YOU --
22. A. NO.
23 Q. -- OR WERE TRYING TO, AS YOU SAY, PICK YOU UP ALL

24 THE TIME AND QUESTIONING YOU.
25 A. I GOT TIRED OF IT.
26 Q. SO WHY DID YOU TESTIFY FALSELY IF IT WASN'T --
27 A. BECAUSE I DIDN'T WANT TO GO TO JAIL.
28 Q. YOU WERE AFRAID YOU WOULD GO TO JAIL?

---

1 A. YES.
2 Q. AND WHAT DID YOU THINK YOU WOULD GO TO JAIL FOR?
3 A. EXCUSE ME?
4 Q. WHAT DID YOU THINK YOU WOULD GO TO JAIL FOR?
5 A. BECAUSE THAT' S WHAT THEY TOLD ME.
6 Q. YEAH. BUT FOR WHAT CRIME?
7 A. I DON'T KNOW. WHATEVER THEY WAS

GONNA PUT ME IN

8 THERE FOR.
9 Q. AND DO YOU REMEMBER? WAS THAT A DETECTIVE

10 ALFRED?
11 A. YES.
12 Q. DO YOU REMEMBER HIM?
13 A. (WITNESS NODS HEAD.)
14 Q. AND WOULD HE PICK YOU UP FREQUENTLY IN YOUR

15 NEIGHBORHOOD OFF THE STREET?
16 A. YES.
17 Q. AND WAS THAT SOMETHING THAT WAS UPSETTING TO YOU

18 TO BE PICKED UP BY THE POLICE IN FRONT OF EVERYBODY?
19 A. YES.
20 Q. ARE YOU TELLING US THE TRUTH TODAY THAT YOU DID

21 NOT SEE MR. BROADNEX DO THAT SHOOTING?
22 A. YES.

23 MR. MARSHALL: I HAVE NOTHING FURTHER.

24 THE COURT: WE'LL GIVE YOU OBVIOUSLY A CHANCE TO GO

25 BACK AND FORTH. I JUST WANTED TO ASK QUESTIONS.

26 THE WITNESS: OH, LORD JESUS, MAN.

27 THE COURT: I KNOW IT WAS A LONG TIME AGO. WERE YOU

28 SUBPOENAED TO COURT TO TESTIFY?

---

1 THE WITNESS: YES.

2 THE COURT: DID YOU ALWAYS SHOW UP OR WERE THERE

3 OCCASIONS YOU DIDN'T SHOW UP?

4 THE WITNESS: I ALWAYS SHOWED UP BECAUSE THEY MADE

5 SURE THAT I DID.

6 THE COURT: OKAY. SO THEY BROUGHT YOU TO COURT?

7 THE WITNESS: YES.

8 THE COURT: SO THERE WASN'T A TIME -- I MEAN I DON'T

9 REMEMBER. THERE WASN'T A TIME WHERE A WARRANT WAS ISSUED FOR

10 YOU NOT COMING COURT?

11 THE WITNESS: NO.

12 THE COURT: I UNDERSTAND THE TESTIMONY ABOUT - - I' M

13 NOT CONFUSED ABOUT THE TESTIMONY ABOUT

TESTIFYING BECAUSE THE

14 POLICE THREATENED TO ARREST YOU, BUT I'M A LITTLE CONFUSED AS

15 TO WHY YOU WOULD TESTIFY FALSELY JUST BECAUSE MS. JOHNSON

16 TOLD YOU TO.

17 THE WITNESS: NOT BECAUSE MS. JOHNSON TOLD ME.

18 BECAUSE OF WHAT THE DETECTIVES TOLD ME.

19 THE COURT: YOU JUST SAID THAT YOU THOUGHT YOU WERE

20 PUTTING SOMEONE AWAY WHO DID A MURDER. THAT' S BECAUSE DEBRA

21 JOHNSON SAID SHE SAW IT.

22 THE WITNESS: YES.

23 THE COURT: BUT YOU'RE NOT TELLING ME THAT JUST

24 BECAUSE MS. JOHNSON SAID THAT SOMEONE MURDERED SOMEBODY THAT

25 YOU WOULD COME IN AND TESTIFY FALSELY ABOUT IT.

26 THE WITNESS: NO. I 'M TELLING YOU THAT BECAUSE THAT' S

27 WHAT THE DETECTIVES TOLD ME.

28 THE COURT: OKAY. I UNDERSTAND. GO AHEAD,

MS. MADRID.

MS. MADRID: THANK YOU, YOUR HONOR.

RECROSS-EXAMINATION

BY MS. MADRID:

Q. YOU JUST SAID THAT YOU LIED AT TRIAL BECAUSE THE DETECTIVES TOLD YOU TO, CORRECT, MS. CADE?

A. YES.

MS. MADRID:

YOUR HONOR, MAY I APPROACH?
THE COURT: JUST SHOW COUNSEL WHAT YOU ARE APPROACHING WITH.

DECLARATION?

A. NO, I DON'T.

Q. IS THAT YOUR SIGNATURE?

A. YES, IT IS.

Q. AND DO YOU REMEMBER, WHEN YOU TALKED TO THE INVESTIGATOR FOR MS. MARSHALL, DID YOU TELL HIM THAT IN FACT DEBRA JOHNSON

TOLD YOU WHAT TO SAY?

A. YES, I DID.

Q. AND, IN FACT, AT THAT TIME DIDN' T YOU ALSO TELL HIM THAT YOU WERE LIVING WITH MS. JOHNSON?
WITH.

MS. MADRID: MAY I APPROACH, YOUR HONOR?

THE COURT: SURE.

MS. MADRID: NOW, I'M SHOWING YOU A DOCUMENT THAT'S TWO PAGES. IT'S ENTITLED "DECLARATION OF DAPHNE CADE.
THE COURT JUST SHOWED YOU A COPY OF THE SAME DECLARATION. NOW, DO YOU REMEMBER SIGNING THIS?

A. NO, I DON'T.
Q. IS THAT YOUR SIGNATURE?

A. YES,IT IS.

Q. AND DO YOU REMEMBER, WHEN YOU TALKED TO THE INVESTIGATOR FOR MS. MARSHALL, DID YOU TELL HIM THAT IN FACT DEBRA JOHNSON TOLD YOU WHAT TO SAY?
A. YES, I DID
Q. AND IN FACT, AT THAT TIME DIDN'T YOU ALSO TELL HIM THAT YOU WERE LIVING WITH MS. JOHNSON/

A. YES I DID.
Q. BUT YOU'VE JUST TESTIFIED IN COURT TODAY THAT IN

FACT YOU WERE NOT LIVING WITH MS. JOHNSON. YOU WERE GOING BACK AND FORTH; ISN' T THAT TRUE?

A. I SAID I WAS LIVING THERE. THEN AFTER -- AFTER THE MURDER HAPPENED, I DID NOT GO BACK THERE TO LIVE. THAT' S WHAT I SAID.

Q. OKAY. DIDN'T YOU JUST TESTIFY THAT IN FACT YOU SAID YOU HAD BEEN LIVING THERE AT THE TIME OF THE SHOOTING?

A. YES. I SAID THAT AND THEN I ALSO SAID THAT I DID NOT GO BACK THERE AFTER THE SHOOTING.

Q. DID YOU EVER - -

A. I DID NOT GO BACK THERE THAT NIGHT.

Q. DID YOU GO BACK TO DEBRA JOHNSON' S HOUSE THE NEXT DAY?

A. YES, I DID. I SAID I WENT BACK THERE A COUPLE OF TIMES.

Q. AND WERE YOU ACTUALLY LIVING WITH MS. JOHNSON THOSE COUPLE OF TIMES THAT YOU WENT BACK TO SEE HER?

A. NO.

Q. DO YOU WANT TO BE HERE TODAY, MS. CADE?

A. EXCUSE ME?

Q. DO YOU WANT TO BE HERE TODAY?

A. I HAVE NO PROBLEM WITH IT.

Q. AND ISN'T IT TRUE THAT YOU WERE TOLD BY THE POLICE THAT IF YOU DID NOT SHOW UP

TO TESTIFY AT TRIAL, YOU
27 WOULD BE POTENTIALLY PUT IN JAIL FOR THAT?
28 A. YES.

70

Q. AND HOWEVER, THEY NEVER TOLD YOU WHAT TO SAY AT TRIAL. THEY JUST WANTED YOU TO SHOW UP FOR TRIAL; ISN'T THAT TRUE?

A. NO. THEY TOLD ME WHAT TO SAY.

Q. AND YOU SAID YOU WEREN'T AFRAID OF THEM, CORRECT?

A. NO.

SO WHY DID YOU DO WHAT THEY TOLD YOU?
BECAUSE I DID NOT WANT TO GO TO JAIL. BUT IF YOU DID NOT WANT TO GO TO JAIL --
WELL, YOU THIS: YOU WERE NOT AFRAID OF THE POLICE, CORRECT?

A. NO.
Q. YOU WERE NOT AFRAID OF MS. JOHNSON, CORRECT?
A. NO.

Q. AND WERE YOU AFRAID OF MR. BROADNEX?

A. NO.

Q. EVEN THOUGH YOU WERE LYING AGAINST HIM AT TRIAL, YOU WERE NOT AFRAID OF MR. BROADNEX?

A. NO.

Q. YOU DIDN' T THINK IT WAS DANGEROUS FOR YOU AND FOR WORD TO GET AROUND ON THE STREET --

A. OF COURSE.

-Q.THAT YOU LIED AT TRIAL AND ACCUSED HIM OF A MURDER YOU DID NOT SEE?

A. OF COURSE.

Q. SO THAT MUST HAVE MADE YOU A LITTLE BIT AFRAID SINCE AT THAT TIME YOU DIDN' T HAVE A PERMANENT HOUSE, CORRECT?

A. NO.
Q. NO, YOU DID NOT HAVE A PERMANENT HOUSE AT THAT TIME, CORRECT?

A. NO, I DID NOT HAVE A PERMANENT HOUSE AND NO, IT DID NOT MAKE ME SCARED.

Q. IT DID NOT MAKE YOU SCARED TO BE ON THE STREET WITHOUT A PERMANENT HOUSE HAVING LIED AGAINST MR. BROADNEX AT TRIAL?

A. NO. IF I COULD SAY THIS. WHEN YOU'RE HOMELESS,

YOU GOT TO EXPECT THE WORST. BUT JUST GOING TO TRIAL OR JUST

STANDING ON THE STREETS DAILY, YOU GOT TO KNOW WHAT YOU'RE UP AGAINST.

Q. OKAY. BUT AREN'T YOU MAKING IT HARDER FOR YOURSELF IF YOU'RE LYING AGAINST SOMEBODY?

A. I'M MAKING IT HARD FOR MYSELF, PERIOD, OUT THERE ON THE STREETS.

Q. OKAY. NOW, MS. CADE, MR. BROADNEX HAS FRIENDS AND ASSOCIATES IN THE NEIGHBORHOOD, CORRECT?

A. YES, HE DOES.

Q. AND HE HAD FRIENDS AND ASSOCIATES IN THE NEIGHBORHOOD AT THE TIME OF THE SHOOTING; ISN'T THAT TRUE?

A. YES.

Q. AND YET YOU BASICALLY LIED AGAINST HIM AT TRIAL,
CORRECT?
A. TRUE.

Q. AND THAT GOT AROUND ON THE STREET, DIDN'T IT?

A. IT SURE DID.

Q. AND THAT DID NOT MAKE YOU AFRAID?

A. NO.
Q. NOW, YOU TESTIFIED I BELIEVE THAT KEITH WAS YOUR
BOYFRIEND AT THE TIME OF THE SHOOTING, CORRECT?

A. YES.
Q. AND I BELIEVE YOU ALSO TESTIFIED WHEN THE COURT WAS ASKING YOU QUESTIONS THAT MR. MORISETTE, KEITH MORISETTE KNEW SOME OF MR. BROADNEX'S PEOPLE; ISN'T THAT TRUE?
A. HE KNOW MR. BROADNEX.
Q. BUT DID HE ALSO KNOW MR. BROADNEX' S FAMILY?
A. HE SURE DID.
Q. AND YOU SAID THAT YOU TOLD MR. MORISETTE THAT YOU LIED AT TRIAL, CORRECT?
A. MR. MORISETTE. YES, UN-HUH.
Q. AND DID YOU EVER ASK MR. MORISETTE TO TRY AND CONTACT SOME OF THE --
A. HE DID. HE DID TRY AND CONTACT MR. BROADNEX' S FAMILY BUT HE COULDN' T.
Q. WELL, WHAT DID HE DO, IF YOU KNOW?
A. I DON'T KNOW.
Q. HOW DO YOU KNOW THEN THAT HE IN FACT - -
A. BECAUSE HE TOLD ME.
Q. DID YOU ASK HIM TO TRY AGAIN BECAUSE THIS WAS SUCH A SERIOUS MATTER AND YOU HAD LIED IN COURT?
A. EXCUSE ME. THAT'S MY BOYFRIEND. THAT WAS MY BOYFRIEND AT THE TIME SO HE CARED - - YOU KNOW, THERE HAD TO BE SOME KIND OF CARING THERE, SO HE WAS TRYING.
Q. HOW LONG DID HE TRY?

28 A. I DON'T KNOW.

---

1 Q. DID YOU KEEP ASKING HIM TO TRY?
2 A. YES, I DID.
3 Q. DID YOU EVER SAY TO HIM I' LL COME WITH YOU AND WE
4 CAN GO OVER TO ONE OF MR. BROADNEX' S RELATIVE' S HOUSES AND

5 TELL THE TRUTH? DID YOU EVER DO THAT, YES OR NO?
6 A. YES. AND HE DID NOT KNOW WHERE THEY STAY. SO
7 WHAT?
8 Q. DIDN'T YOU JUST TESTIFY THAT HE IN FACT KNEW
9 MR. BROADNEX' S FAMILY?
10 A. I SAID YES. AND I KNOW HIS FAMILY TOO BUT WHAT
11 DOES THAT HAVE TO DO WITH ANYTHING BECAUSE WE DIDN' T KNOW

12 WHERE HE STAYED? WHAT DO YOU WANT US TO DO? JUST GO OUT
13 THERE AND CIRCLE AROUND AND TRY TO FIND SOMEBODY WITHOUT NO
14 CAR AND NO WAY TO GET AROUND. WHAT DO YOU WANT ME TO DO?
15 Q. WELL, YOU KNEW PEOPLE IN THE NEIGHBORHOOD.
16 A. THAT DON' T MEAN NOTHING.
17 Q. I AM ASKING YOU, MS. CADE.
18 A. HURRY UP AND GET ME OFF THIS STAND.
19 MR. MARSHALL: ASKED AND ANSWERED.
20 THE COURT: I ' M SORRY, MA' AM. YOU ARE MAKING
21 COMMENTS.

22 THE WITNESS: CAUSE I AM PREGNANT AND I AM GETTING -
23 VERY STRESSED OUT. MY STOMACH HAS BUTTERFLIES IN IT AND
24 EVERYTHING ELSE.
25 THE COURT: YOU' RE HERE TO ANSWER QUESTIONS.
26 THE WITNESS: OKAY. COME ON.
27 THE COURT: YOU ARE NOT HERE TO MAKE EDITORIAL
28 COMMENTS.
THE WITNESS: I'M ASKING YOU A QUESTION

THE COURT: SO IF IT TAKES THREE HOURS, YOU ARE GOING TO BE HERE ANSWERING QUESTIONS. SO LISTEN TO THE QUESTION.

THE WITNESS: I AM LISTENING TO THE QUESTION.

THE COURT: LISTEN TO THE QUESTION AND ANSWER IT. IT WILL GO A LOT QUICKER.

THE WITNESS: YEAH. OKAY.

THE COURT: GO AHEAD.

Q. BY MS. MADRID: NOW, MS. CADE, YOU TESTIFIED EARLIER THAT YOU IN FACT KNEW THAT MR. MORISETTE KNEW SOME OF MR. BROADNEX'S FAMILY, CORRECT?

A. YEAH.

Q. AND AFTER YOU DID - - WOULDN' T YOU AGREE THAT IN FACT LYING AT TRIAL ABOUT WHO KILLED SOMEBODY IS A SERIOUS THING?

A. YES

Q. AND DID YOU FEEL BAD ABOUT LYING?

A. YES, I DID.
Q. AND SO HOW MANY TIMES DID YOU GET KEITH TO TRY AND CONTACT MR. BROADNEX'S FAMILY?

A. SEVERAL TIMES.

Q. MORE THAN THREE?

A. SEVERAL TIMES.

Q.AND THAT WAS SEVERAL TIMES OVER 12 YEARS?

A. WE WASN'T TOGETHER ALL THIS TIME, YES.
AND OVER THAT 12-YEAR PERIOD YOUR BOYFRIEND, NOT IN FACT BEEN SUCCESSFUL? HE WAS NOT IN CONTACTING THE FAMILY?
A. NO. HE WASN' T BECAUSE HE WENT TO JAIL A LITTLE

Q. HOW LONG WAS HE IN JAIL?

A.I DON'T KNOW.

Q. YOU SAID THAT YOU SAW TRACY ON THE STREET AND YOU CAME FORWARD; ISN' T THAT TRUE?

A. I SAID I SAW . TRACY ON THE STREET AND I TOLD HER.
Q. THAT YOU HAD LIED AT TRIAL?

A. YES.

Q. WHAT' S TRACY' S LAST NAME, DO YOU KNOW?
A. BROADNEX, AS FAR AS I KNOW.
Q. AND WHERE ON THE STREET DID YOU SEE TRACY BROADNEX THAT DAY - -

A. WHAT?
Q. . - - ON THE DAY THAT YOU SAW TRACY BROADNEX ON THE STREET?

A. ON VERMONT AVENUE.

Q. HOW FAR AWAY WAS THAT FROM WHERE YOU WERE LIVING AT THAT TIME?

A. A GOOD WAYS.

Q. HOW LONG OF A WAYS, IF YOU CAN SORT OF GIVE US AN ESTIMATE?

A. I CAN'T.

Q. OKAY. WOULD IT BE A COUPLE OF MILES, DO YOU THINK?

A. NO.

Q. A MILE?

A. IT WASN'T ON 84TH PLACE.

Q. IT WAS NOT ON 84TH PLACE?
A. NO, IT WASN'T.
Q. WAS IT NEAR 84TH PLACE?
A. NO, IT WASN'T.
Q. AND AT THE TIME OF THE

SHOOTING, DID YOU KNOW
6 TRACY BROADNEX?
7 A. YES, I DID.
8 Q. AND WHERE WAS SHE LIVING
GENERALLY WITHOUT GIVING

9 ME A STREET ADDRESS NECESSARILY? DO YOU
KNOW WHERE SHE WAS

10 LIVING AT THE TIME OF THE SHOOTING?
11 A. NO, I DON'T.
12 Q. AND PRIOR TO THE SHOOTING, DID
YOU EVER SEE TRACY

13 BROADNEX IN THE NEIGHBORHOOD?
14 A. EXCUSE ME?
15 Q. BEFORE THE SHOOTING, DID YOU
EVER SEE TRACY

16 BROADNEX IN THE NEIGHBORHOOD?
17 A. YES, I DID.
18 Q. AND AFTER THE SHOOTING DID YOU
SEE TRACY BROADNEX

19 IN THE NEIGHBORHOOD?
20 A. NO.
21 Q. SO AFTER THE SHOOTING, YOU
NEVER SAW HER AGAIN

22 AROUND 84TH PLACE?
23 A. IF I DID -- NO.
24 Q. IS THAT A NO, YOU NEVER DID?
25 A. NO.
26 Q. AND WHEN EXACTLY DID YOU RUN
INTO TRACY BROADNEX

27 AND TELL HER THAT YOU WERE UNTRUTHFUL
AT TRIAL?

A. ABOUT FOUR OR FIVE MONTHS AGO
28

Q. AND SO IS IT YOUR TESTIMONY THAT FROM THE TIME OF THE SHOOTING UNTIL FOUR OR FIVE MONTHS AGO YOU NEVER SAW TRACY BROADNEX ANYWHERE AT ANY TIME?

A. NO.

Q. AND DIDN'T YOU ALSO JUST TESTIFY THAT WHEN YOU SAW TRACY BROADNEX, SHE WAS WITH MIRIAM BROADNEX?

A. YES, I DID.

Q. SO THEY WERE TOGETHER WHEN YOU SAW THEM ON THAT DAY, CORRECT?
A. YES.

Q. AND YOU JUST TESTIFIED THAT THAT WAS THREE OR FOUR MONTHS AGO?
A. YES.

Q. AND WAS THAT THE FIRST TIME THAT YOU HAD SEEN MIRIAM BROADNEX - -

A. YES.

Q. -- SINCE THE TIME OF THE SHOOTING?
A. YES.

Q. PRIOR TO THE SHOOTING, HAD YOU SEEN MS. MIRIAM BROADNEX IN THE NEIGHBORHOOD?

A. NO.

Q. NEVE

A. NEVER.

Q. DID YOU KNOW WHAT SHE LOOKED LIKE?
A. NO.

Q. AFTER THE TRIAL, HAD YOU SEEN MS. MIRIAM BROADNEX?

---

28 A. NO.
Q. WAS MS. MIRIAM BROADNEX AT THE TRIAL?

A. I DON'T KNOW.

Q. NOW, MS. CADE, YOUR DECLARATION WAS SIGNED ON MARCH 29TH,2003, AND YOUR DECLARATION SAYS THAT YOU WERE HOMELESS AT THAT TIME.

A. YES.

Q. ARE YOU STILL HOMELESS?

A. NO.

Q. YOU SAID THAT YOU' RE PREGNANT, MS. CADE?

A. YES, I AM.

Q. HAS MS. BROADNEX HELPED YOU OUT AT ALL BY GIVING YOU ANYTHING FOR YOUR BABY OR FOR MEDICAL CARE OR ANYTHING LIKE THAT?

A. NO.

MS. MADRID: MAY I HAVE A MOMENT, YOUR HONOR?

THE COURT: SURE.

(BRIEF PAUSE IN PROCEEDINGS.)

Q. BY MS. MADRID: DID YOU KNOW A MAN BY THE NAME OF CLIFFORD HUNTER?

A. NO.

Q. DID YOU KNOW WHO MARRY MILLS IS?
A. WHO?
Q. MARRY MILLS.
A. NO.

Q. DO YOU KNOW MR. BROADNEX' S MOTHER?

A. YES

Q DID YOU KNOW WHO MARRY MILLS IS?

A WHO?

Q MARRY MILLS.
Q. AND SHE IS IN THE COURTROOM PRESENTLY; ISN'T THAT TRUE?
A. YES.
Q. HAD YOU EVER SEEN MS. MARRY MILLS PRIOR TO TODAY?
A. YES.

Q. HAD YOU SEEN MS. MARRY MILLS BETWEEN THE TIME OF THE SHOOTING AND TODAY?

A. SAY IT AGAIN.

Q. AFTER THE SHOOTING, DID YOU SEE MS. MARRY MILLS AROUND THE NEIGHBORHOOD?

A. NO.

Q. AND YOU NEVER SAW MS. MARRY MILLS FROM THE TIME
SHOOTING TO THE TIME THAT YOU SAY YOU SAW HER

-- STRIKE THAT.

WHEN DID YOU FIRST SEE MARRY MILLS?

A. WHO IS MARRY MILLS?

Q. MR. BROADNEX' S MOTHER.

A. OH, ABOUT -- OH, IT'S BEEN A WHILE.

Q. HOW LONG IS A WHILE?

A. IT'S BEEN SIX MONTHS.

Q. SIX MONTHS?

A.UH-HUH.

Q.AND DID YOU TELL MS. MILLS THAT YOU HAD LIED AT TRIAL WHEN YOU SAW HER SIX MONTHS AGO?

A. YES.

Q. AND HAD YOU SEEN MS. MILLS BEFORE SIX MONTHS AGO?

A. NO.

Q. DID YOU SEE MS. MILLS AROUND THE NEIGHBORHOOD OR

ANYWHERE PRIOR TO THE SHOOTING?
A. NO.
Q. DID YOU SEE MS. MILLS BETWEEN THE TIME OF THE
SHOOTING AND THE TIME OF THE TRIAL?
A. NO.
Q. DID YOU SEE MS. MILLS AFTER THE TRIAL?
A. NO.
Q. ARE YOU AFRAID THAT IF YOU DIDN' T COME TO COURT TODAY TO SAY THAT YOU LIED AT TRIAL THAT SOMETHING MIGHT HAPPEN TO YOU?

A. NO.

Q. ARE YOU CURRENTLY HOMELESS, MS. CADE?

A. NO

Q. IS MR. MORISETTE TO YOUR KNOWLEDGE HOMELESS?

Q. AND YOU TESTIFIED EARLIER -- WHERE ARE YOU LIVING CURRENTLY, MS. CADE?

A. I STAY WITH A GIRL. I CALL HER MY SISTER.

Q. AND IS SHE RELATED IN ANY WAY TO MR. BROADNEX OR HIS FAMILY?

A. NO, SHE IS NOT.

MS. MADRID: I HAVE NOTHING FURTHER AT THIS TIME.

THE COURT: REDIRECT, MS. MARSHALL? ANYTHING ELSE?

FURTHER REDIRECT EXAMINATION

BY MS. MARSHALL:

Q. YES. WHEN DID YOU FIND OUT THAT DEBRA JOHNSON REALLY DIDN'T SEE THE MURDER?

A. AFTER THE TRIAL.

MS. MADRID: YOUR HONOR, I AM GOING TO OBJECT. CALLS FOR SPECULATION. LEADING.

THE COURT: THAT OBJECTION IS OVERRULED.

MS. MADRID: CALLS FOR HEARSAY.

THE COURT: YOU CAN ASK THE QUESTION.

Q. BY MR. MARSHALL: WHEN DID YOU FIND OUT THAT DEBRA JOHNSON REALLY DIDN'T SEE THE MURDER?

A. AFTER. DURING THE TRIAL AFTER SHE TESTIFIED.

MR. MARSHALL: I HAVE NOTHING FURTHER.

THE COURT: RECROSS.

17
18 FURTHER RECROSS-
EXAMINATION
19
20 BY MS. MADRID:
21 Q. YOU TESTIFIED AT THE
PRELIMINARY HEARING,
22 CORRECT, MS. CADE?
23 A. YEAH.
24 Q. AND THEN YOU TESTIFIED AT
TWO TRIALS; ISN' T THAT
25 CORRECT?
26 A. YES.
27 MS. MADRID: I HAVE NOTHING
FURTHER.
THE COURT: ANYTHING ELSE?

FURTHER REDIRECT EXAMINATION

BY MS. MARSHALL:

Q. YES. WHEN DID YOU FIND OUT THAT DEBRA JOHNSON REALLY DIDN'T SEE THE MURDER?
A. AFTER THE TRIAL.
MS. MADRID:
YOUR HONOR, I AM GOING TO OBJECT. CALLS FOR SPECULATION. LEADING.
THE COURT: THAT OBJECTION IS OVERRULED.
MS. MADRID: CALLS FOR HEARSAY.
THE COURT: YOU CAN ASK THE QUESTION.
Q. BY MS. MARSHALL: WHEN DID YOU FIND OUT THAT DEBRA JOHNSON REALLY DIDN'T SEE THE MURDER?
A. AFTER. DURING THE TRIAL AFTER SHE TESTIFIED.
MS. MARSHALL: I HAVE NOTHING FURTHER.
THE COURT; RECROSS.

FURTHER RECROSS EXAMINATION

BY MS. MADRID: YOU TESTIFIED AT THE PRELIMINARY HEARING, CORRECT, MS. CADE?
A. YEAH.
Q. AND THEN YOU TESTIFIED AT TWO TRIALS; ISN'T THAT CORRECT?
A. YES.
MS. MADRID: I HAVE NOTHING FURTHER.
THE COURT; ANYTHING ELSE?

FURTHER REDIRECT EXAMINATION

DO YOU REMEMBER BEING IN THE HALLWAY DURING THAT FIRST TRIAL AND HAVING DEBRA JOHNSON COME UP TO YOU AND SAY SOMETHING TO THE EFFECT OF MAKE SURE YOU STICK TO THAT STORY?
A. YES.

MR. MARSHALL: NOTHING FURTHER.

THE COURT: ANYTHING ELSE?

MS. MADRID: NO, YOUR HONOR.

THE COURT: DO YOU WANT HER PLACED ON CALL OR DO YOU WANT HER EXCUSED?

MR. MARSHALL: I WOULD LIKE TO HAVE HER PLACED ON CALL.

THE COURT: FOR MAYBE NEXT FRIDAY?

MR. MARSHALL: FOR NEXT FRIDAY.

THE COURT: OKAY. SO LET'S DO THIS.

YOU'RE EXCUSED FOR NOW. THANK YOU. YOU MAY HAVE TO COME BACK NEXT FRIDAY.

THE WITNESS: OKAY.

THE COURT: IF YOU DO, THE DEFENSE LAWYER WILL CALL
WITNESS: OKAY.

COURT: DON' T TALK ABOUT WHAT YOU SAID TO ANYBODY.

WITNESS: I'M NOT.

COURT: OKAY. OTHER WITNESSES YOU' RE GOING TO CALL

THAT ARE HERE OR NOT?

MARSHALL: I WOULD CALL MIRIAM BROADNEX JUST BRIEFLY TO CLARIFY THE MEETING

43

THE COURT: WHATEVER YOU WANT.

(BRIEF PAUSE IN PROCEEDINGS.)

THE COURT: OKAY. MA'AM, IF YOU WOULD PLEASE COME FORWARD.

MS. MADRID: *ALSO*, YOTJR HONOR, NOW THAT COUNSEL IS IN THE COURTROOM I WOULD JUST POINT OUT THAT MS. CADE HAS TAKEN A SEAT IN THE BACK.

THE WI TNESS: CAN I GO OUT?

THE COURT: YEAH. THAT WOULD BE GREAT.

THE WITNESS: THANK YOU.

THE COURT: OKAY. MA' AM, IF YOU WOULD COME FORWARD.

AND JUST ABOUT THERE FACE THE CLERK, RAISE YOUR RIGHT HAND TO BE SWORN.

MIRIAM BROADNEX,

CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED AS FOLLOWS:

THE CLERK: YOU DO SOLEMNLY STATE THAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD.

THE WITNESS: YES.

THE CLERK: JUST HAVE A SEAT.

MA'AM, WOULD YOU PLEASE STATE AND SPELL YOUR FULL NAME FOR THE RECORD SLOWLY

L-14

THE WITNESS: MIRIAM BROADNEX, M-I-R-I-A-M, B-R-O-A-D-N-E-X.

THE COURT: THANK YOU, MA' AM.

PLEASE PROCEED.

DIRECT EXAMINATION

BY MS. MARSHALL:

Q. MRS. BROADNEX, ARE YOU MARRIED TO MY CLIENT?

A. YES, I AM.

Q. AND HOW LONG HAVE YOU BEEN MARRIED TO HIM?

A. SIX YEARS, GOING ON SEVEN.

Q. WERE YOU WITH HIM AT THE TIME OF THE CRIME THAT HE HAS BEEN CONVICTED OF?

A. NO.

Q. OKAY. AT SOME POINT BACK IN 1993 -- IN 2003 DID YOU HAVE OCCASION TO MEET DAPHNE CADE?

A. YES, I DID.

Q. AND COULD YOU DESCRIBE FOR US HOW YOU HAPPENED TO MEET HER?

A. WELL, I MET HER -- ACTUALLY HIS SISTER AND I WORK TOGETHER AND SHE CAME TO THE SISTER. WE WERE LIKE IN THE NEIGHBORHOOD SOMEWHERE. AND SHE CAME TO THE SISTER AND SHE RECOGNIZED THE SISTER, BECAUSE SHE DIDN'T KNOW ME. AND SHE ASKED, YOU KNOW, ABOUT FELLA. SHE CALLS HIM FELLA. AND SHE WAS SAYING THAT, YOU KNOW, SHE HAD BEEN LOOKING FOR SOMEBODY IN THE FAMILY BECAUSE SHE FELT REALLY BADLY ABOUT WHAT SHE HAD DONE, YOU KNOW. THAT IT WASN' T TRUE. THAT HER TESTIMONY

45

WASN'T TRUE. AND THAT THEY HAD MADE HER DO IT AND, YOU KNOW, SO THAT' S HOW I MET HER.

Q. HAVE YOU PAID MS. CADE TO COME FORWARD?

A. NO, I HAVE NOT.

Q. HAVE YOU THREATENED HER?

A. NO, I HAVE NOT.

Q. TO YOUR KNOWLEDGE HAS ANYBODY PAID OR THREATENED HER?

A. NO.

MR. MARSHALL: I HAVE NOTHING FURTHER.

THE COURT: CROSS-EXAMINATION.

CROSS-EXAMINATION

BY MS. MADRID:

Q. AT THE TIME OF THE SHOOTING, MS. BROADNEX, DID YOU ALREADY KNOW MR. BROADNEX?

A. NO, I DID NOT.

Q. AND AT THE TIME OF THE SHOOTING DID YOU LIVE IN THE GENERAL AREA OF 84TH PLACE?

A. NO, I DID NOT.

Q. AND YOU SAID YOU HAD BEEN MARRIED GOING ON SEVEN YEARS; IS THAT CORRECT?

A. YES THAT' S CORRECT.

Q. SO YOU MARRIED MR. BROADNEX AFTER HE WAS ALREADY

INCARCERATED?
A. YES, I DID.
Q. AND DO YOU KNOW THE GENERAL AREA WITHOUT GIVING
US A STREET ADDRESS WHERE MS. BROADNEX, TRACY BROADNEX,
LIVES?
A. TRACY BROADNEX?
Q. WELL, TRACY IS MR. BROADNEX' S SISTER, CORRECT?
A. I THINK HER NAME IS THERESA.
Q. THERESA. WHAT IS THERESA' S LAST NAME?
A. THERESA' S LAST NAME IS BROADNEX.
Q. AND GENERALLY SPEAKING, HOW CLOSE DOES
MS. THERESA BROADNEX LIVE TO THE AREA OF 84TH PLACE?
A. MAYBE FIVE OR SIX MILES.
Q. AND HOW LONG HAVE THEY LIVED FIVE OR SIX MILES
FROM 84TH PLACE?
A. OH, I DON'T KNOW.
Q. ARE YOU AWARE OF WHERE MR. BROADNEX' S MOTHER,
MS. MILLS, LIVES?
A. YES.
Q. AND HOW FAR AWAY DOES MS. MILLS LIVE FROM 84TH
PLACE?
A. MAYBE ABOUT FIVE OR SIX MILES.
Q. ARE YOU AWARE THAT - - OR DO YOU KNOW THAT
MR. BROADNEX HAD FRIENDS AND

ASSOCIATES IN THE AREA OF 84TH
22 PLACE?
23 A. NO. I DON' T THINK HE
HAD FRIENDS. MAYBE
24 ASSOCIATES BECAUSE I DON' T
THINK HE FREQUENTED THAT AREA TOO
25 OFTEN.
26 Q. BUT THERE WERE PEOPLE IN
THAT AREA?
S
27 A. THAT HE KNEW, YES.
28 Q. DO YOU REMEMBER WHAT DAY
IT WAS THAT MS. CADE
47

1 APPROACHED YOU AND THERESA?
2 A. NOT EXACTLY. I MEAN, I
THINK IT HAD TO BE

3 AROUND - - I 'M THINKING. WHAT WERE WE
DOING? I THINK IT WAS
4 AROUND THE WEEKEND. THE
WEEKEND.
5 Q. AND HOW LONG AGO?
6 A. I'M THINKING. MAYBE ABOUT
TWO -- TWO OR THREE
7 YEARS AGO.
8 Q. AND WHAT DID YOU DO WHEN
YOU FOUND OUT THEIR

9 INFORMATION WHICH IS, WOULD YOU AGREE,
PRETTY SERIOUS?
10 A. YES, I WOULD. YES, I
WOULD.
11 Q. AND WHAT DID YOU DO WHEN
YOU FOUND THIS

12 INFORMATION OUT TWO OR THREE YEARS AGO THAT MS. CADE SAID TO
13 YOU THAT SHE LIED AT YOUR HUSBAND'S TRIAL?
14 A. THEN I GOT AN ATTORNEY AND THAT'S WHEN I HIRED

15 MS. MARSHALL SO THAT WE COULD GO BACK TO COURT TO RECTIFY THE
16 SITUATION.
17 Q. AND DID YOU HIRE HER IMMEDIATELY?
18 A. NOT RIGHT AWAY. I THINK IT WAS ABOUT MAYBE A

19 YEAR. ALMOST MAYBE SIX MONTHS TO A YEAR I THINK.
20 Q. AND CAN YOU TELL THE COURT WHY YOU WAITED THAT
21 LONG TO HIRE AN ATTORNEY?
22 A. WELL, I HAD TO GET THE MONEY TO HIRE THE
23 ATTORNEY.
24 Q. AND DID YOU TALK TO ANYBODY ELSE IN THE

25 NEIGHBORHOOD ONCE MS. CADE GAVE YOU THIS INFORMATION TWO OR
26 THREE YEARS AGO?
27 A. NO. BECAUSE I DON' T REALLY KNOW ANYONE IN THE
28 NEIGHBORHOOD.
48

1 Q. DID YOU EVER ATTEMPT TO CONTACT DEBRA JOHNSON?
2 A. NO.

Q. HAD YOU EVER HEARD OF MS. CADE BEFORE? DID YOU KNOW OF HER BEFORE SHE ACTUALLY APPROACHED YOU AND THERESA THAT DAY?

A. YES. I KNEW ABOUT HER.

Q. AND DID YOU EVER TRY TO LOCATE HER TO TALK TO HER ABOUT HER TESTIMONY?

A. NO.

Q. DID YOU THEN ASSUME THAT SHE WAS TELLING THE TRUTH AT THE TIME OF THE TRIAL?

A. DID I ASSUME THAT SHE TOLD THE TRUTH DURING THE TRIAL?

Q. YES.

A. NO.

Q. SO IT WAS YOUR BELIEF THAT SHE LIED AT THE TIME OF TRIAL?

A. YES.

Q. DID YOU ACTUALLY SEE HER TESTIFY?

A. NO. I WAS NOT THERE.

Q. WHEN DID YOU FIRST FIND OUT THAT MS. CADE TESTIFIED AT THE TRIAL?

A. WELL, THROUGH MY HUSBAND.

Q. AND DID YOU EVER SEND ANYBODY OUT INTO THE NEIGHBORHOOD OR DID YOU EVER TRY AND LOCATE MS. CADE THAT YOU KNEW TO BE A LIAR AT THAT POINT?

A. NO.

MS. MADRID: I HAVE NOTHING FURTHER.
THE COURT: THE DAY THAT YOU MET MS. CADE DO YOU REMEMBER WHERE IT WAS PHYSICALLY?

THE WITNESS: I THINK IT WAS SOMEWHERE AROUND VERMONT OR SOMEWHERE IN THAT AREA.

THE COURT: MORNING? AFTERNOON? EVENING? DO YOU REMEMBER?

THE WITNESS: IT WASN'T MORNING. MAYBE LIKE MIDAFTERNOON, SOMETHING LIKE THAT.

THE COURT: AND YOU WERE WITH WHOM?

THE WITNESS: WITH THERESA BROADNEX.

THE COURT: WHAT WAS THE DISCUSSION? TELL ME WHAT EVERYBODY SAID.

THE WITNESS: OKAY. THERESA WAS LOOKING FOR ANOTHER FRIEND IN THE AREA, AND DAPHNE CAME AND SHE RECOGNIZED THERESA. AND SHE SAID THAT SHE HAD BEEN LOOKING FOR SOMEONE BECAUSE SHE SAID THAT SHE FELT BAD

ABOUT WHAT SHE H.AD DONE.

17 AND SHE HAD BEEN LOOKING FOR SOMEONE IN THE FAMILY TO TELL

18 THEM WHAT SHE HAD DONE AND SHE WANTED TO MAKE IT RIGHT OR

19 WHATEVER BECAUSE SHE FELT REALLY BADLY THAT SHE HAD LIED AND
20 SHE KNEW SHE HAD LIED.

21 THE COURT: AND AT THAT TIME DID YOU SAY SOMETHING

22 LIKE WHERE ARE YOU STAYING OR WHERE ARE YOU LIVING, HOW CAN
23 WE GET A HOLD OF YOU, THAT KIND OF THING OR WHAT?

24 THE WITNESS: WELL, I ASKED HER -- I THINK I ASKED HER

25 IF SHE WOULD BE WILLING TO GO TO COURT AND DO THIS. AND YES,

26 BECAUSE SHE SAID SHE IS JUST LIKE ON 84TH PLACE, USUALLY ON
27 THE CORNER.

28 THE COURT: OKAY. ANY OTHER QUESTIONS?
EC

1 MR. MARSHALL: NOTHING FURTHER, NO.

2 THE COURT: ANYTHING ELSE?

MS. MADRID: NO.

THE COURT: OKAY. MS. BROADNEX, THANK YOU. YOU MAY STEP DOWN.

THE WITNESS: THANK YOU.

THE COURT: AND SHE CAN PROBABLY STAY. I DON' T ANTICIPATE - -

MR. MARSHALL: I HAVE NO FURTHER WITNESSES, YOUR HONOR. AND I WOULD ASK, THOUGH, IF THE COURT CAN INDULGE US AND GIVE US ANOTHER DAY TO BRING IN MR. MORISETTE IN UNLESS THE COURT IS PREPARED TO GRANT THE WRIT WITHOUT HIS TESTIMONY. I THINK IT IS IMPORTANT.

THE COURT: WELL, YOU HAVE TWO DECLARATIONS, ONE OF WHOM ONE PERSON IS NOT HERE TODAY. YOUR REPRESENTATIONS WOULD BE A REASON TO HAVE FURTHER TESTIMONY ON YOUR SIDE.

I DON' T KNOW WHETHER - - AT THIS TIME YOU BELIEVE THAT THAT WILL

18 BE YOUR LAST WITNESS?

19 MR. MARSHALL: THAT' S ALL I HAVE, YES.

20 THE COURT: DO WE KNOW WHETHER THE PEOPLE ARE GOING TO-
21 HAVE ANY WITNESSES OR NOT?

22 MS. MADRID: NO, YOUR HONOR.

23 THE COURT: YOU DON'T KNOW OR YOU'RE NOT GOING TO HAVE
24 ANY?

25 MS. MADRID: I'M NOT GOING TO HAVE ANY. I'M SORRY.

26 THE COURT: THAT WAS A BAD QUESTION. SO LET'S JUST DO

27 WHAT WE'VE GOT TO DO. WE'LL PUT IT OVER, IF IT'S ALL RIGHT,

28 TO A DATE THAT' S CONVENIENT. I 'M GOING TO BE GONE PRETTY
r
1 MUCH THE MONTH OF AUGUST SO WE DO NEED TO DO IT YOU MENTIONED
2 NEXT WEEK. SO THAT'S FINE. WE SHOULD FINISH THIS TRIAL UP
3 TODAY OR MONDAY. IF WE GET ANOTHER ONE, WE' LL JUST BE DARK
4 IN THE MORNING, WHATEVER MORNING YOU WANT.
5 MS. MADRID: NEXT WEEK IS BAD FOR ME EXCEPT FOR FRIDAY
6 AS I DISCUSSED WITH COUNSEL.

THE COURT: FRIDAY IS FINE WITH ME.

MS. MADRID: IF THAT'S AGREEABLE WITH HER.

MR. MARSHALL: FRIDAY IS FINE FOR US.

THE COURT: LET' S DO IT AT 9:00 AND WE' LL GET DONE WITH OUR CALENDAR BEFORE THAT. WE'LL JUST ORDER MR. BROADNEX OUT FOR FRIDAY, THE 23RD. AND WE' LL JUST ADJOURN THE HEARING UNTIL THEN. ALL RIGHT. THANK YOU FOR BE ING ON TIME. APPRECIATE IT.

MS. MADRID: THANK YOU, YOUR HONOR.

MR. MARSHALL: THANK YOU.

(AN ADJOURNMENT WAS TAKEN UNTIL MONDAY, JULY 23, 2004, AT 9:12 A.M.)

COMPTON, CALIFORNIA; FRIDAY, JULY 23, 2004 9:12 A.M.

DEPARTMENT NO. SC 0 HON. GARY E. DAIGH, JUDGE

(APPEARANCES AS HERETOFORE NOTED.)

THE COURT: ALL RIGHT. WE ARE ON THE RECORD WITH THE BROADNEX MATTER. WE ARE CONTINUING THE EVIDENTIARY HEARING THAT WE BEGAN LAST FRIDAY, JULY 16TH, WHERE WE HEARD FROM MS. CADE AND MS. MIRIAM BROADNEX. WE PUT IT OVER A WEEK SO THAT YOU COULD GET ANOTHER WITNESS WHO APPARENTLY HAS A MEDICAL CONDITION AND WAS UNABLE TO BE HERE ON THE 16TH. AND WHAT IS HIS NAME?

MS. MARSHALL: KEITH MORISETTE, M-O-R-I-S-E-T-T-E.

THE COURT: AND I KNOW THAT YOU SAID HE IS IN A WHEELCHAIR SO MAYBE YOU COULD JUST COME ON OVER HERE AND THEN YOU NEED TO SPEAK UP REAL LOUD.

JAIME, MAYBE YOU CAN HELP HIM, OR MARK.

(BRIEF PAUSE IN PROCEEDINGS.)

THE WITNESS: DO YOU WANT ME TO HOP UP THERE?

THE COURT: NO. THIS IS FINE AS LONG AS YOU KEEP YOUR VOICE UP. IF WE CAN HEAR YOU, WE WON'T NEED THE MICROPHONE.

THE WITNESS: OH, OKAY.
THE COURT: GO AHEAD AND RAISE YOUR RIGHT HAND.

KEITH MORISETTE,
CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED AS FOLLOWS:

THE CLERK: YOU DO SOLEMNLY STATE THAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD.
THE WITNESS: YEAH.
THE COURT: OKAY.
THE CLERK: SIR, WOULD YOU PLEASE STATE AND SPELL YOUR NAME FOR THE RECORD.
THE WITNESS: KEITH MORISETTE, K-E-I-T-H, R-E-N-E, M-O-R-I-S-E-T-T--E.
THE COURT: ALL RIGHT. THANK YOU. IT SOUNDS LIKE YOU' VE GOT A PRETTY GOOD VOICE. THESE LAWYERS ARE GOING TO ASK YOU SOME QUESTIONS. AND WE' LL START WITH MS. MARSHALL.

DIRECT EXAMINATION

BY MS. MARSHALL:
Q. MR. MORISETTE, DO YOU

REMEMBER THE NIGHT THAT
24 THERE WAS A SHOOTING, A MURDER ACTUALLY, IN FRONT OF DEBRA
25 JOHNSON' S HOUSE?
26 A. YES.
27 Q. WAS DAPHNE CADE WITH YOU THAT NIGHT?
28 A. YES.
1 Q. AND WHERE WERE YOU AT THE TIME OF THE MURDER?
2 A. IN MY GARAGE WATCHING TV.
3 Q. AND AT SOME POINT DID YOU HEAR A SHOT?
4 A. YES.
5 Q. AND WHAT DID YOU DO AFTER THAT?
6 A. WENT OUTSIDE BEING NOSEY.
7 Q. DID YOU WALK AROUND, AROUND THE NEIGHBORHOOD?
8 A. THAT' S ABOUT ALL.
9 Q. AND AT SOME POINT DID YOU GO IN THAT DIRECTION
10 AND SEE THE POLICE TAPE?
11 A. THAT WAS AFTER WE CAME BACK FROM WALKING AROUND.
12 Q. OKAY. AT SOME POINT DID MS. CADE -- AT SOME
13 POINT DID YOU BECOME AWARE THAT MS. CADE TESTIFIED AT ROBERT
14 BROADNEX' S TRIAL?
15 A. YES.
16 Q. HOW DID YOU F IND THAT OUT?
17 A. BECAUSE THE POLICE~CAME OVER MY HOUSE AND ASKED
18 FOR HER.

Q. THE POLICE CAME TO YOUR HOUSE AND ASKED FOR MS. CADE?

A. I MEAN, DEBRA BRUMMAN (PHONETIC).

Q. DEBRA?

A. YEAH.

Q. DEBRA CAME TO YOUR HOUSE AND ASKED FOR MS. CADE?

A. SHE CAME OVER TO THE HOUSE AND SHOWED THE POLICE WHERE DAPHNE WAS. TOLD THEM THAT SHE WAS IN THE BACK WITH ME. I CAME OUTSIDE. THEY PULLED ME, MY GRANDMOM AND DAPHNE OUTSIDE AND MADE US STAND BY THE FENCE AND THEY TALKED TO ALL THREE OF US.

Q. AND AT SOME POINT, WERE YOU ARRESTED FOR THIS MURDER?

A. YES.

Q. WHEN WAS THAT?

A. ABOUT TWO OR THREE DAYS LATER.

Q. AND NO CHARGES WERE OF COURSE FILED, CORRECT?

A. THEY DID FILE THEM AT FIRST BUT THEY DROPPED THEM.

Q. SO YOU NEVER WENT TO COURT ON IT?

A. I NEVER WENT TO COURT BUT I WAS ARRESTED FOR MURDER BECAUSE I HAD A TOOTH MISSING OUT OF MY MOUTH AND THEY THOUGHT I WAS FELLA.

Q. YOU ARE NOT FELL~A?

A. NO.
Q. WAS HE IN THE EIGHT TRAY'S AT THAT POINT IN YOUR LIFE?
A. YES.
Q. AND DID YOU HAVE A NICKNAME?
A. YES.
Q. WHAT WAS YOUR NICKNAME?
A. CRZIS.
Q. CRZIS. DID YOU KNOW THAT DAPHNE TESTIFIED AGAINST MR. BROADNEX?
A. I DIDN'T KNOW WHAT SHE SAID, BUT I KNOW WHAT THE POLICE AND DEBRA TOLD HER TO SAY.
Q. BUT YOU KNOW THAT YOU NEVER ACTUALLY WENT TO COURT OR HEARD HER TESTIMONY?

A. NO.
Q. AT SOME POINT LATER DID SHE TELL YOU SHE HAD LIED?
A. YES.
Q. AND DID YOU -- DID SHE EVER ASK YOU TO TRY TO FIND MR. BROADNEX' S FAMILY?
A. YES.
Q. WERE YOU ABLE TO DO THAT?
A. NO. I COULDN'T CATCH UP TO HIS MOMMA, BUT I TRIED TO.
Q. DID YOU GO TO JAIL SOMETIME AFTER THIS MURDER?
A. YES.

Q. DO YOU KNOW WHO COMMITTED THAT MURDER?
A. NO.
MS. MARSHALL: I HAVE NOTHING FURTHER.
THE COURT: CROSS-EXAMINATION.
MS. MADRID: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MS. MADRID:
Q. NOW, MR. MORISETTE, DID YOU TALK TO AN INVESTIGATOR FROM THE ATTORNEY MS. MARSHALL' S OFFICE REGARDING THIS CASE?
A. I DON' T KNOW WHOSE OFFICE HE WAS FROM, BUT I KNOW I TALKED TO ONE.
Q. AND DO YOU REMEMBER SIGNING A DECLARATION REGARDING WHAT YOU SAID TO THAT INVESTIGATOR?
A. YEAH.

MS. MADRID: YOUR HONOR, MAY I APPROACH THE WITNESS?

THE COURT: YES.

MS. MADRID: COUNSEL, I AM SHOWING HIM A COPY.

MS. MARSHALL: FINE.
Q. BY MS. MADRID: MR.

MORISETTE, I'M SHOWING YOU A

7 COPY THAT AT THE TOP READS
''DECLARATION OF KEITH MORISETTE''

8 AND I'D LIKE TO POINT YOU TO THE BOTTOM
OF THE PAGE. IS THAT
9 YOUR SIGNATURE, SIR?
10 A. YEAH.
11 Q. AND IS YOUR NAME MORISETTE
OR MARISETTE?
12 A. IT'S MORISETTE. YOU SEE
THE DIFFERENCE,
13 M-O-R-I-S-E-T-T-E.
14 Q. SO IT IS INCORRECT IN THE
DECLARATION?
15 A. UH-HUH. IT' S WRONG UP
HERE. THAT' S WHAT I TOLD
16 THE LAWYER.
17 Q. AND POINTING OUT LINE 2 OF
THE DECLARATION, DO

18 YOU RECALL TELLING THE INVESTIGATOR
THAT AT THE TIME OF THE

19 MURDER ESSENTIALLY AT THAT TIME IN
YOUR LIFE YOUR AKA WAS
20 FELLA?
21 A. NO.
22 Q. YOU DID NOT DO THAT?
23 A. NO. L.A.P.D. DID THAT.
24 Q. OKAY. BUT YOU TALKED TO
THE INVESTIGATOR FROM
25 MS. MARSHALL'S OFFICE, DIDN'T
YOU?
26 A. YES.
27 Q. AND ISN'T HE THE PERSON
WHO HAD YOU SIGN THIS

28 DECLARATION?

1 A. YEAH. I TALKED TO HIM AND I SIGNED THE THING.

2 THEY EVEN PUT THIS WRONG (INDICATING) AND I WROTE IT RIGHT.

3 Q. OKAY. SO YOU CORRECTED EIGHT TRAY AND THAT' S

4 YOUR WRITING, RIGHT?

5 A. YES.

6 Q. ORIGINALLY THEY HAD THE WRONG GANG AFFILIATION,

7 CORRECT?

8 A. YES.

9 Q. OBVIOUSLY THEN YOU READ THAT LINE BECAUSE YOU

10 CAUGHT THAT MISTAKE AND YOU CORRECTED IT TO EIGHT TRAY; ISN' T

11 THAT TRUE?

12 A. YES.

13 Q. OKAY. NOW, IT SAYS IN THIS DECLARATION THAT YOUR

14 AKA WAS FELLA AND YOU JUST TESTIFIED THAT IT WAS CRZIS I

15 BELIEVE; IS THAT CORRECT?

16 A. CRZIS.

17 Q. SO WHICH IS THE TRUTH?

18 A. CRZ IS. IT' S RIGHT HERE ON MY ARM, SO YOU CAN

19 READ IT IF YOU WANT TO.

20 Q. SO YOU WERE LYING WHEN YOU

GAVE THIS DECLARATION
21 AND YOU SAID YOUR AKA WAS FELLA?
22 A. NO.
23 Q. DIDN'T YOU THINK IT WAS IMPORTANT TO CORRECT THAT

24 LINE OF YOUR DECLARATION ESPECIALLY SINCE YOU HAD ORIGINALLY
25 BEEN ARRESTED FOR THAT MURDER?
26 A. THAT'S WHAT I DID.
27 Q. BECAUSE THEY MISTAKENLY THOUGHT YOU WERE FELLA?
28 A. YES
1 Q. BUT EIGHT TRAY IS CORRECTED AND FELLA ISN'T
2 CORRECTED; ISN' T THAT TRUE?
3 A. YES.
4 Q. NOW, YOU SAID THAT YOU WERE IN YOUR GARAGE

5 WATCHING TV WITH MS. CADE ON THE NIGHT OF THE SHOOTING,
6 CORRECT?
7 A. YES.
8 Q. WHERE WAS YOUR GARAGE IN RELATION TO WHERE YOU
9 SAW ALL THE POLICE TAPE? HOW FAR AWAY?
10 A. MY GARAGE IS ACROSS THE STREET BEHIND MY
11 GRANDMOMMA' S OLD HOUSE.
12 Q. SO BASICALLY IT IS ACROSS THE STREET BUT TOWARD
13 THE BACK OF YOUR GRANDMOTHER'S PROPERTY?
14 A. YEAH, IT WAS. THEY TORE IT DOWN.

15 Q. OKAY. AND AT THAT T 1MB - - AT THE TIME OF THE

16 SHOOTING HOW DID YOU ENTER THE GARAGE WHERE YOU WERE LIVING?

17 A. WALKED STRAIGHT UP THE DRIVEWAY.

18 Q. AND THE DRIVEWAY OPENED OUT TO WHAT STREET?

19 A. 84TH PLACE, NOT STREET.

20 Q. AND IS THAT THE STREET WHERE YOU SAW ALL THE

21 POLICE TAPE?

22 A. YES. WHEN WE CAME BACK FROM WALKING, BECAUSE

23 THERE WASN'T NOTHING OUT THERE AT FIRST.

24 Q. BUT YOU SAID THAT YOU WERE BE ING NOSEY BECAUSE

25 YOU HEARD THE SHOTS, RIGHT?

26 A. YEAH.

27 Q. AND THAT'S WHAT MADE YOU GUYS COME OUT OF YOUR

28 GARAGE, CORRECT?

A. YEAH.

Q. AND SO ESSENTIALLY THE SHOOTING HAPPENED ON YOUR GRANDMOTHER'S STREET, CORRECT?

A. I DON'T KNOW IF ITDID OR NOT. THAT'S WHAT I CAME OUT TO SEE

Q. AND WHERE DID YOU WALK TO WHEN YOU CAME OUT TO SEE?

A. WALKED DOWN TO VERMONT AND WALKED AROUND, WALKED TO THE STORE. I GOT A COLD ONE AND THEN WE CAME BACK.

Q. AND THAT'S WHEN YOU SAW THE POLICE TAPE?
DID YOU EVER SEE A BODY LYING IN FRONT OF DEBRA JOHNSON'S HOUSE?
A. NO.

Q. WHERE IS DEBRA JOHNSON' S HOUSE IN RELATION TO YOUR GRANDMOTHER'S PROPERTY?

A. RIGHT ACROSS THE STREET.

Q. AND THIS IS A RESIDENTIAL AREA, CORRECT?

A. YES.

Q. AND I ASSUME THEN THAT THERE IS ONE LANE THAT GOES ONE DIRECTION AND IT' S ONLY A TWO-LANE STREET; IS THAT CORRECT?
WELL, IT'S LIKE A "T" IN THE MIDDLE BECAUSE WE THERE AT THE CORNER.

AT THE CORNER OF WHAT?

84TH PLACE AND KANSAS.

DO YOU HAVE STREETLIGHTS ON THAT STREET, 84TH
A.

LIVE RIGHT

Q.

A. EVERYWHERE.
Q. AND IT' S YOUR TESTIMONY TODAY THAT WHEN YOU CAME
OUT OF THE GARAGE ON YOUR GRANDMOTHER' S PROPERTY ACROSS THE
STREET FROM DEBRA JOHNSON' S HOUSE AFTER YOU HEARD GUNSHOTS,
YOU DID NOT SEE A BODY LYING IN FRONT OF DEBRA JOHNSON' S
HOUSE?
A. NO.
Q. WHEN DID YOU FIND OUT -- WELL, YOU TESTIFIED THAT
YOU DID NOT SEE MS. CADE TESTIFY AT THE TRIAL, CORRECT?
A. YEAH.
Q. WHEN DID YOU FIND OUT OR WHEN DID SHE TELL YOU
THAT SHE HAD LIED AT THE TRIAL?
A. WHEN SHE CAME HOME 'CAUSE SHE SAID THAT SHE WAS
SCARED THAT DEBRA AND THE POLICE HAD THREATENED HER.
Q. SO WHEN SHE CAME HOME FROM WHERE?
A. FROM COURT.
Q. AND ISN'T IT TRUE -- WELL, WERE YOU LIVING WITH
MS. CADE THE WHOLE TIME THAT THIS CASE --
A. YES.
Q. -- WAS IN COURT?
IS THAT A "YES"?
A. YES.
Q. SO FROM THE BEGINNING -- FROM THE SHOOTING ITSELF
TO THE TIME THAT MR. BROADNEX WAS CONVICTED, YOU WERE LIVING

25 WITH MS. CADE?
26 A. YES.
27 Q. ISN'T IT TRUE THAT MS. CADE ACTUALLY TESTIFIED
28 TWICE DURING THE COURSE OF THE CASE?

C..-)
1 A. I DIDN' T REALLY PAY ATTENTION. DIDN' T REALLY PAY
2 ATTENTION BECAUSE I WAS GOING THROUGH STUFF MYSELF.
3 Q. OKAY. AND YOU SAID THAT THE FIRST TIME YOU HEARD
4 THAT MS. CADE LIED IS WHEN SHE TOLD YOU SHE LIED, CORRECT?
5 A. YEAH.
6 Q. AND THAT' S WHEN SHE CAME BACK FROM COURT?
7 A. YEAH.
8 Q. IS THAT WHEN SHE CAME BACK FROM COURT DURING THE
9 TRIAL?
10 A. I DON' T KNOW WHAT IT WAS.
11 Q. NOW, DID YOU THINK IT WAS SERIOUS THAT SHE
12 ACTUALLY LIED DURING THE TRIAL?
13 A. YEAH. 'CAUSE I TOLD HER SHE DIDN'T HAVE TO DO
14 THAT.
15 Q. AND SO AFTER SHE TESTIFIED DURING THE TRIAL, DID
16 YOU TRY AND CONTACT ANYBODY TO TELL THEM THAT SHE HAD LIED
17 AND SHE WAS SCARED?
18 A. YEAH.
19 Q. WHO DID YOU TRY AND CONTACT?

A. I TRIED TO CATCH UP TO HIS MOMMA BUT I COULDN'T.
Q. WOULD THAT BE MS. MILLS?
A. YES, MA'AM.
Q. I' M SORRY. I COULDN' T HEAR YOU.
A'. MS. MARRY. I DON' T KNOW HER LAST NAME.
Q. AND HOW LONG HAVE YOU KNOWN MR. BROADNEX?
A. SINCE WE WAS 12.
Q. SO PRETTY MUCH YOUR TEENAGE YEARS AND YOUR ADULT LIFE, CORRECT?

63

A. YES. THAT'S ABOUT '73, '74.
Q. AND DO YOU KNOW MR. BROADNEX'S SISTER?
A. WHICH ONE.
Q. HOW MANY DOES HE HAVE? THAT'S A GOOD QUESTION.
A. HE HAD TWO THAT I KNEW.
Q. AND DID YOU KNOW THOSE TWO SISTERS AT THE TIME OF THE SHOOTING?
A. YES.
Q. DID YOU KNOW THOSE TWO SISTERS AT THE TIME OF THE TRIAL?
A. YES.
Q. AND DID YOU EVER TRY AND CONTACT EITHER OF THOSE TWO SISTERS?
A. NO, NOT THAT I REALLY KNOW OF.
Q. AT THE TIME OF THE TRIAL TO YOUR KNOWLEDGE HAD

16 YOU -- WELL, LET ME ASK YOU THIS: TO YOUR KNOWLEDGE DID THE
17 TWO SISTERS OF MR. BROADNEX RESIDE IN LOS ANGELES?
18 A. I THINK THEY DID.
19 Q. AND FROM THE TIME OF THE TRIAL WHEN YOU SAY
20 MS. CADE TOLD YOU SHE LIED AT TRIAL TO THE TIME THAT WE SIT
21 HERE TODAY, DID YOU SEE MR. BROADNEX' S TWO SI STERS AROUND THE
22 NEIGHBORHOOD OR ON THE-STREET?
23 A. THEY NEVER CAME AROUND THE NEIGHBORHOOD.
24 Q. DOES MR. BROADNEX HAVE ANY BROTHERS?
25 A. HE HAD ONE THAT I KNEW.
26 Q. AND IS THIS BROTHER STILL ALIVE?
27 A. HE GOT KILLED.
28 Q. AND DID HE GET KILLED BEFORE OR AFTER THE
1 SHOOTING THAT MR. BROADNEX WAS CONVICTED FOR?
2 A. I THINK IT WAS AFTER.
3 Q. AND WAS HE ALSO AN EIGHT TRAY?
4 A. NO,
5 Q. DID HE LIVE IN THE NEIGHBORHOOD?
6 A. NO.
7 Q. DID HE EVER VISIT ANYONE IN THE NEIGHBORHOOD?
8 A. NO.
9 Q. DID YOU SEE HIM FROM THE TIME OF THE SHOOTING TO
10 THE TIME OF MR. BROADNEX'S CONVICTION?

A. I THINK I WAS WORKING ON HIS CAR 'CAUSE HE HAD A LOW RIDER.

Q. AND DID YOU EVER TELL HIM THAT MS. CADE TOLD YOU SHE LIED ON MR. BROADNEX DURING HIS TRIAL?

A. I MIGHT HAVE.

Q. YOU DON'T REMEMBER?

A. NOT EXACTLY.

Q. AT THE TIME OF THE SHOOTING, WAS MR. BROADNEX AN EIGHT TRAY IN THE SAME SET AS YOU WERE IN AT THAT TIME?

A. YES.

Q. AND ABOUT HOW MANY OTHER EIGHT TRAY MEMBERS WERE THERE IN THAT NEIGHBORHOOD AT THE TIME OF THE SHOOTING?

A. THE WHOLE NEIGHBORHOOD.

Q. THE WHOLE NEIGHBORHOOD. TO YOUR KNOWLEDGE DID ANY OF THE OTHER EIGHT TRAY GANGSTER ASSOCIATES THAT YOU KNEW AT THAT TIME AT THE TIME OF THE SHOOTING KNOW THAT MS. CADE LIED?

A. I THINK SO. MAYBE. I DON'T KNOW. I REALLY CAN' T SAY 'CAUSE SHE DIDN' T REALLY DISCUSS NOTHING WITH NOBODY BUT ME.

Q. DO YOU KNOW MR. BROADNEX'S WIFE?

A. YES, I DO NOW.
Q. AND WHEN DID YOU FIRST MEET MR. BROADNEX' S WIFE?
A. FOUR, FIVE MONTHS AGO.
Q. AND DID YOU DRIVE WITH HER TO COURT TODAY?
A. YES.
Q. AND IS MR. BROADNEX' S MOTHER IN COURT TODAY?
A. YES.
Q. CAN YOU TELL ME WHAT SHE IS WEARING?
A. SHE GOT ON PINK.
Q. AND AFTER THE TRIAL -- WELL, LET ME ASK YOU THIS:

YOU'VE OBVIOUSLY SEEN HER TODAY BECAUSE SHE IS SITTING HERE

IN COURT AND YOU JUST IDENTIFIED HER. PRIOR TO TODAY, WHEN DID YOU SEE MS. MARRY MILLS?
A. PRIOR TO TODAY?
Q. YES.
A. I HAVEN'T SEEN HER IN A LONG TIME.
Q. CAN YOU GIVE ME AN ESTIMATE ON WHAT A LONG TIME IS? IS IT MONTHS? IS IT YEARS?
A. YEARS.
Q. HOW MANY YEARS?
A. SINCE HER SON GOT KILLED. I HAVEN'T REALLY SEEN HER SINCE THEN.
Q. AND THAT WOULD BE MR. BROADNEX' S BROTHER THAT YOU JUST MENTIONED IN YOUR

TESTIMONY?

A. UH-HUH.

Q. AND YOU SAID THAT HER SON GOT KILLED AFTER MR. BROADNEX WAS CONVICTED, CORRECT?

A. IT WAS SOMEWHERE AROUND THERE.

Q. AND SINCE YOU SAW MS. MILLS AFTER MR. BROADNEX HAD BEEN CONVICTED AND THAT WAS AFTER MS. CADE APPARENTLY TOLD YOU SHE LIED, YOU DIDN'T MENTION THAT TO MS. MARRY MILLS
AT THE TIME
THAT YOU SAW HER AROUND THE DEATH OF HER SON?

A I DIDN'T DO WHAT?

Q OKAY.

A. SAY IT STRAIGHT.

Q. OKAY. YOU JUST TESTIFIED THAT YOU COULDN' T

LOCATE MS. MARRY, AS YOU CALL HER, MR. BROA.DNEX' S MOTHER TO

TELL HER THAT MS. CADE TOLD YOU SHE LIED AT TRIAL. THAT WAS

WHAT YOU JUST SAID, CORRECT?

A. YEAH.

Q. AND YOU ALSO TESTIFIED THAT HER SON, HER OTHER SON, MR. BROADNEX' S BROTHER, WAS KILLED AFTER MR. BROADNEX WAS

CONVICTED. THAT' S YOUR TESTIMONY, CORRECT?

A.
YEAH.

Q AND YOU JUST TESTIFIED THAT YOU SAW MS. MILLS AROUND THE

TIME THAT HER SON WAS KILLED; ISN'T THAT CORRECT?
A YEAH.

Q SO YOU SAW MS. MILLS AFTER YOU KNEW MS. CADE LIED; ISN'T THAT TRUE?

A. SO YOU'RE SAYING I SEEN MS. MILLS AFTER I KNEW MS. CADE LIED, BUT I DIDN'T SAY THAT I SEEN MS. MARRY AFTER FELLA GOT CONVICTED.

Q. WELL, YOU JUST SAID THAT YOU SAW MS. - - WELL,

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1 LET' S CALL HER MR. BROADNEX' S MOTHER FOR THE RECORD. YOU

2 SAID THAT YOU SAW MR. BROADNEX'S MOTHER AT THE TIME THAT HER
3 OTHER SON WAS KILLED; CORRECT?
4 A. I SEEN HER AT THE TIME THAT KITA GOT KILLED.
5 Q. AND YOU SAID HE GOT KILLED AFTER MR. BROADNEX WAS
6 CONVICTED?
7 A. I THINK HE DID. I KNEW IT WAS SOMEWHERE AROUND

8 THE SAME TIME. BUT I DON' T KNOW EXACTLY WHEN FELLA GOT
9 CONVICTED BECAUSE I WASN'T KEEPING UP WITH IT.
10 Q. EVEN THOUGH YOU KNEW THAT MS. CADE HAD LIED ON

11 ONE OF YOUR ASSOCIATES, YOU WEREN'T KEEPING UP WITH IT?
12 A. IT WASN'T MY JOB TO KEEP UP WITH IT.
13 Q. MR. MORISETTE, YOU TESTIFIED ON DIRECT

14 EXAMINATION THAT AFTER THE MURDER YOU WENT TO JAIL; ISN'T
15 THAT CORRECT?
16 A.' YES.
17 Q. DID YOU END UP BEING CONVICTED OF ANYTHING AFTER
18 YOU WERE SENT TO JAIL?
19 A. YES.
20 Q. AND WHAT WERE YOU CONVICTED OF?
21 A. HAVING MY NEIGHBOR'S SHOTGUN.
22 Q. SO YOU WERE CONVICTED OF EX-CON WITH A FIREARM?
23 A. YEAH.
24 MS. MADRID: MAY I HAVE A MOMENT, YOUR HONOR?
25 THE COURT: YEAH.
26
27 (BRIEF PAUSE IN PROCEEDINGS.)
28
£8

Q. BY MS. MADRID: DID YOU EVER COMMUNICATE WITH MR. BROADNEX AFTER HE WAS SENT TO PRISON FOR THIS SHOOTING?

A. NO.

Q. SO FROM THE TIME OF HIS CONVICTION FOR THIS SHOOTING TO THE TIME THAT YOU SIT HERE IN COURT YOU HAVE HAD NO CONTACT WITH MR. BROADNEX?

A. NONE AT ALL.

Q. WERE YOU AWARE THAT MR. BROADNEX GOT MARRIED?

A. NO.

Q. ARE YOU AWARE THAT HE IS MARRIED AS YOU SIT HERE TODAY?

A. YEAH.

Q. WHEN DID YOU FIRST FIND OUT THAT MR. BROADNEX WAS MARRIED TO MIRIAM BROADNEX?

A. ABOUT SIX MONTHS AGO WHEN I TALKED TO - - WELL, LET ME SEE. I CAN' T SAY SIX MONTHS 'CAUSE I ' M GETTING THAT MIXED UP WITH WHEN YOU ASKED ME WHEN DID I FIRST MEET HER.

BUT I THINK THAT D.A. GUY TOLD ME, THE INVESTIGATOR.

Q. YOU MEAN THE DEFENSE

INVESTIGATOR?
A. YEAH.
Q. AND WHEN DID YOU FIRST MEET MIRIAM BROADNEX?
A. THAT WAS EARLIER THIS YEAR, ABOUT FOUR, FIVE MONTHS AGO.
Q. I THINK YOU JUST TESTIFIED THAT YOU FOUND OUT HE

WAS MARRIED ABOUT FOUR OR FIVE MONTHS AGO, CORRECT?
A. THAT' S WHEN I MET HER.
Q. DIDN' T YOU JUST SAY THAT YOU MET HER BEFORE YOU FOUND OUT THEY WERE MARRIED?
£5

A. NO.
Q. THAT' S NOT YOUR TESTIMONY?
A. NO. I DIDN' T SAY THAT.
Q. DO YOU KNOW ANY OF MIRIAM BROADNEX' S FAMILY?
A. NO.
Q. AT THE TIME OF THE SHOOTING WHERE WAS MR. BROADNEX LIVING?
A. I THINK HE WAS LIVING WITH HIS MOMMA AND THEM ON 118TH.
Q. AND WHERE DOES HIS MOTHER LIVE NOW?
A. I THINK SHE STILL LIVE OVER THERE.
Q. IN THE SAME HOUSE ON 118TH?

13 A. UH-HUH.

14 MS. MADRID: I HAVE NOTHING FURTHER.

15 THE COURT: THE NIGHT OF THE SHOOTING WHAT TIME WAS IT

16 WHEN YOU HEARD THE SHOT? WHEN YOU HEARD WHAT YOU THOUGHT WAS
17 A SHOT OR SHOTS.

18 THE WITNESS: IT HAD TO BE AT LEAST 10:00 0' CLOCK.

19 THE COURT: AT NIGHT?

20 THE WITNESS: UN - HUH.

21 THE COURT: "YES"? YOU' VE GOT TO SAY "YES" FOR THE
22 REPORTER.

23 THE WITNESS: YES.

24 THE COURT: HOW MANY SHOTS DID YOU HEAR?

25 THE WITNESS: I DIDN' T PAY ATTENTION BUT I KNEW IT WAS
26 SOME SHOOTING.

27 THE COURT: MORE THAN ONE OR ONE OR DO YOU KNOW?

28 THE WITNESS: I THINK IT WAS MORE THAN ONE SHOT.
73
1 THE COURT: YOU WERE IN

THE GARAGE AT THE TIME?
THE WITNESS: YEAH.
THE COURT: AND WHAT DID YOU DO AFTER YOU HEARD THE SHOT OR SHOTS?
THE WITNESS: WE CAME OUT PEEKING TO SEE IF IT WAS ANY OF MY FRIENDS THAT GOT HIT.
THE COURT: AND WHAT DID YOU SEE WHEN YOU PEEKED OUT OF THE GARAGE? -
THE WITNESS: NOTHING.
THE COURT: DIDN'T SEE ANYBODY RUNNING OR ANY BODIES OR ANYTHING ELSE? -
THE WITNESS: WASN'T NOBODY AROUND.
THE COURT: COULD YOU SEE DEBRA JOHNSON' S APARTMENT FROM YOUR GARAGE?
THE WITNESS: DEBRA JOHNSON NEVER LIVED IN THE APARTMENT.
THE COURT: HER HOUSE THEN. WELL, WHERE WAS SHE LIVING?
THE WITNESS: SHE WAS LIVING IN A TRAILER IN HER GRANDMOMMA' S DRIVEWAY.
THE COURT: COULD YOU SEE THAT FROM YOUR GARAGE?
THE WITNESS: NOPE. NO WAY.
THE COURT: WHAT DID YOU DO WHEN YOU SAW THAT THERE WAS NONE OF YOUR FRIENDS INVOLVED? WHAT DID YOU DO YOU? WENT SOMEWHERE?

26 THE WITNESS: WHEN WE CAME OUT, WE DIDN'T SEE NOBODY
27 OUT THERE. PEEKED AROUND FOR A MINUTE. THEN WE WENT FOR A
28 WALK. WENT UP THERE. I SAID LET' S GO GET A COLD ONE. WE

77

1 THE COURT: I KNOW THAT. WHAT DID SPECIFICALLY
2 MS. CADE TELL YOU ABOUT WHAT -- DID SHE TELL YOU THE
3 SPECIFICS ABOUT WHAT THEY SAID?
4 THE WITNESS: YES.
5 THE COURT: WHAT DID SHE SAY.
6 THE WITNESS: SHE TOLD ME IF SHE DIDN' T SAY WHAT THEY
7 TOLD HER TO, THAT SHE WAS GONNA GET IN TROUBLE.
8 THE COURT: DID SHE TELL YOU WHAT TROUBLE MEANT TO
9 HER?
10 THE WITNESS: HUH -.
11 THE COURT: DID SHE TELL YOU SPECIFICALLY LIKE THE
12 FACTS, LIKE SAY THAT SHE SAW THIS PERSON SHOOT THIS PERSON OR
13 DID SHE JUST GENERALLY SAY THEY TOLD HER WHAT TO SAY?
14 THE WITNESS: GENERALLY THEY JUST TOLD HER WHAT TO
15 SAY.
16 THE COURT: I THINK MS. MARSHALL ASKED AND MS. MADRID
17 ASKED ALSO ABOUT YOU GOING TO JAIL AFTER THE MURDER AND I
18 GUESS IT WAS FOR EX-CON WITH A GUN. HOW LONG WERE YOU AWAY

FOR THAT?
THE WITNESS: THIRTY-TWO MONTHS.
THE COURT: AND HOW LONG AFTER THE MURDER DID YOU GO IN FOR THAT, IF YOU KNOW?
THE WITNESS: THAT WAS 1996.
THE COURT: SO '96 TO '98 MAYBE?
THE WITNESS: IT WAS SOMETHING LIKE THAT 'CAUSE I WAS GONE 32 MONTHS 'CAUSE THEY GAVE ME 16 MONTHS AND DOUBLED IT.
THE COURT: MS. MADRID WAS ASKING YOU ABOUT WHEN YOU FIRST TOLD SOMEBODY ABOUT THE FACT THAT MS. CADE HAD LIED AND

73

CORRECT ME IF I ' M WRONG. I THOUGHT YOU SAID THAT YOU THOUGHT

YOU SAW MR. BROADNEX' S MOM AFTER HI S BROTHER WAS MURDERED.

THE WITNESS: YEAH.

THE COURT: WHICH WAS AFTER THE TRIAL. AND I GUESS

HER QUESTION WAS IF THAT' S THE CASE, WHY WOULDN' T YOU TELL THE MOM THEN THAT MS. CADE HAD LIED.

7 THE WITNESS: I DON'T KNOW IF IT WAS AFTER THE TRIAL
8 OR BEFORE THE TRIAL WHEN KITA GOT KILLED.

9 THE COURT: SO YOU DON' T REALLY RECALL WHETHER IT WAS
10 OR IT WASN'T?

11 THE WITNESS: UN-HUH. I REALLY DON' T KNOW IF IT WAS
12 BEFORE THE TRIAL OR AFTER THE TRIAL.

13 THE COURT: BUT, WHETHER IT WAS BEFORE, YOU

14 DIDN'T -- YOU DON'T RECALL TELLING MR. BROADNEX'S MOM THAT

15 MS. CADE TOLD YOU SHE LIED?

16 THE WITNESS: I DON' T REMEMBER.

17 THE COURT: AND WHEN IS THE FIRST PERSON. THAT YOU
18 TOLD - - OR WHO IS THE FIRST PERSON YOU TOLD?

19 THE WITNESS: I HAVEN'T TOLD ANYBODY UNTIL I TALKED TO

20 THE DETECTIVE AND STUFF. I AIN'T BEEN RUNNING AROUND TALKING

21 ABOUT NOBODY' S STUFF. I DON'T DO IT.

22 THE COURT: THE DECLARATION OF THIS

WITNESS IS BACK IN
23 THE BACK. COULD I SEE THAT?

24 MS. MADRID: YES, YOUR HONOR.

25 THE COURT: YOU HAVE MS. CADE' S DECLARATION TOO.

26 MS. MADRID: YES, I DO. WELL, LET ME HAND YOU THIS
27 ONE FIRST IF THAT' S ALL RIGHT. MAY 1 APPROACH?

28 MS. MARSHALL: I HAVE MS. CADE' S -
7~
1 THE COURT: CAN I LOOK AT THAT FOR A MINUTE?
2 SO YOU AND MR. BROADNEX USED TO BE IN THE SAME
3 GANG, RIGHT?
4 THE WITNESS: YES.
5 THE COURT: AND YOU' VE KNOWN HIM FOR, I DON' T KNOW, 20
6 YEARS?
7 THE WITNESS: MORE THAN THAT. ABOUT 30.
8 THE COURT: AND YOU KNEW THAT HE WAS - - THAT MS. CADE
9 HAD LIED ON HIM?
10 THE WITNESS: YES.
11 THE COURT: SO WHY DIDN' T YOU DO EVERYTHING YOU COULD
12 TO TELL SOMEBODY THAT?
13 THE WITNESS: 'CAUSE I HAD OTHER THINGS TO DO FOR
14 MYSELF.
15 THE COURT: LIKE WHAT?
16 THE WITNESS: HUH?

17 THE COURT: LIKE WHAT?
18 THE WITNESS: THAT AIN'T FOR ME TO SAY TO Y'ALL. IT
19 MIGHT BE PERSONAL.
20 THE COURT: WELL, WHAT DOES THAT MEAN? I MEAN,
21 GENERALLY WHAT DO YOU MEAN?
22 THE WITNESS: I HAD OTHER THINGS IN MY LIFE TO DO.
23 HAD OTHER BUSINESS TO TAKE CARE OF.
24 THE COURT: WHAT DOES THAT MEAN?
25 THE WITNESS: THAT MEANS I HAD OTHER THINGS TO DO.
26 THE COURT: WELL, WHAT WOULD BE MORE IMPORTANT THAN
27 CLEARING A FELLOW GANG MEMBER THAT YOU KNEW WAS WRONGLY
28 CONVICTED?
75

1 THE WITNESS: THAT' S WHY I ' M HERE TODAY.

2 THE COURT: NO. I ' M SAYING WHAT WOULD BE MORE

3 IMPORTANT OVER THE LAST TEN YEARS THAN HELPING OUT SOMEONE

4 WHO WAS A GANG MEMBER WHO WAS FALSELY CONVICTED? WHAT WOULD
5 BE MORE IMPORTANT THAN THAT?

6 THE WITNESS: LOTS OF THINGS.

7 THE COURT: FOR EXAMPLE.

8 THE WITNESS: I CAN' T SAY TO Y' ALL LIKE THAT. I CAN' T
9 TALK TO Y'ALL LIKE THAT.

10 THE COURT: WELL --

11 THE WITNESS: THAT' S PERSONAL.

12 THE COURT: -- YOU'RE TELLING ME THAT A DEAR FRIEND OF

13 YOURS WAS WRONGLY CONVICTED AND YOU DON'T WANT TO TELL ME

14 WHAT WAS MORE IMPORTANT THAN TELLING SOMEBODY THAT?

15 THE WITNESS: UN-HUH.

16 THE COURT: SQ IF I ORDER YOU TO DO THAT, YOU ARE NOT
17 GOING TO ANSWER THOSE QUESTIONS, RIGHT?

18 THE WITNESS: I CAN' T SAY LIKE THAT.

19 THE COURT: WHAT DOES THAT MEAN?

20 THE WITNESS: BECAUSE I MIGHT GET KILLED FOR IT.

21 THE COURT: OKAY. ARE YOU SAYING THAT YOU KNOW WHO
22 DID IT?

THE WITNESS: I DON'T KNOW WHO DID IT. IT COULD HAVE BEEN HER BOYFRIEND. AIN'T NO TELLING BECAUSE DEBRA WAS A DOPE FIEND.

THE COURT: OKAY. WITHOUT BEING SPECIFIC THEN, YOU DON' T HANG AROUND WITH GANGS ANY MORE?

THE WITNESS: NO.

THE COURT: HOW OLD ARE YOU NOW?

THE WITNESS: FORTY-THREE.

THE COURT: YOU' RE TOO OLD FOR THAT?

THE WITNESS: YES. I 'M A GRANDFATHER.

THE COURT: BACK TEN OR 12 YEARS AGO WHEN THIS WAS GOING ON, ARE YOU SAYING THAT YOU WERE INVOLVED IN THINGS THAT GANGS ARE INVOLVED IN AND YOU WERE MORE CONCERNED ABOUT THAT THAN MR. BROADNEX' S PROBLEM?

THE WITNESS: NO. I WAS CONCERNED ABOUT MAKING MONEY. THAT' S WHAT I WAS DOING.

THE COURT: AND AGAIN, I UNDERSTAND

THAT YOU DON' T

12 WANT TO TELL ME. BUT THERE WAS LIKE EIGHT OR NINE OR TEN

13 YEARS BETWEEN THE TIME HE WAS WRONGLY CONVICTED AND THE

14 INVESTIGATOR CAME TO YOU. I GUESS IF THE INVESTIGATOR NEVER

15 CAME - - THAT' S A BAD QUESTION. HOW DID SOMEBODY GET A HOLD

16 OF YOU SQ THAT YOU WOULD TALK TO THE INVESTIGATOR?

17 THE WITNESS: BECAUSE THEY KNEW I WAS TOOK TO' JAIL FOR
18 MURDER.

19 THE COURT: I MEAN, DID THE INVESTIGATOR JUST SORT OF
20 CALL YOU UP AND SAY CAN WE TALK?

2]. THE WITNESS: YEAH.

22 THE COURT: AND THAT'S THE FIRST TIME YOU TOLD ANYBODY
23 ABOUT IT?

24 THE WITNESS: UN-HUH. THAT' S THE F IRST TIME I TALKED
25 TO HIM ABOUT IT.

26 THE COURT: AND IF HE HAD NOT CALLED YOU, YOU WOULDN'T

27 HAVE PROBABLY COME FORWARD ON YOUR OWN?

28 THE WITNESS: I WOULDN'T HAVE PROBABLY EVEN BE

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1 THINKING ABOUT IT.
2 THE COURT: I KNOW YOU WENT TO PRISON FOR 32 MONTHS IN
3 '96, '97, '98 AND THIS OCCURRED BACK IN, WHAT, '92?
4 MS. MARSHALL: YES.
5 MS. MADRID: YES.
6 THE COURT: WERE YOU IN THE NEIGHBORHOOD PRETTY MUCH
7 FROM '92 TO '98 OR WERE YOU GONE OTHER PLACES?
8 THE WITNESS: I WAS PRETTY MUCH IN THE NE IGHBORHOOD.
9 THE COURT: THEN WHEN YOU GOT OUT IN '98, YOU HAVE
10 BEEN IN THE NEIGHBORHOOD SINCE THEN?
11 THE WITNESS: SOMEWHAT. 'CAUSE I WENT RIGHT BACK TO
12 PRISON AND I AM STILL ON PAROLE.
13 THE COURT: YOU VIOLATED PAROLE?
14 THE WITNESS: YES.
15 THE COURT: WHEN DID YOU GET OUT THE LAST TIME ON
16 PAROLE?
17 THE WITNESS: 2002.
18 THE COURT: CAN YOU GIVE ME ANY HINT AS TO WHAT YOU
19 MEANT BY I WAS INVOLVED IN OTHER THINGS SO I COULDN'T COME

FORWARD EARLIER?
THE WITNESS: BECAUSE I WAS HUSTLING. I WAS DOING MY OWN THING. I HAD OTHER THINGS TO DO FOR MYSELF.
THE COURT: 50 ARE YOU SAYING THAT IF YOU WENT TO THE POLICE, THEY MIGHT HAVE WANTED TO KNOW WHAT YOU WERE DOING IN OTHER THINGS?
THE WITNESS: YEAH. THEY MIGHT HAVE CHANGED THE STORY TOO 'CAUSE THEY DON'T LIKE ME.
THE COURT: AND SO YOU WERE AFRAID OF GOING TO THE
78
POLICE FOR BEING ARRESTED FOR OTHER THINGS?
THE WITNESS: BECAUSE MY LIFE DEPENDED ON IT.
THE COURT: THEN WHY DIDN' T YOU GO TO THE FAMILY?
THE WITNESS: HUH?
THE COURT: WHY DIDN'T YOU GO TO THE FAMILY?
THE WITNESS: I DID GO TO THE FAMILY. I WENT AROUND THERE, BUT I NEVER COULD CATCH UP TO THEM.
THE COURT: WHAT DID YOU DO TO TRY TO FIND THEM?
THE WITNESS: WENT OVER THERE IN MY CAR.
THE COURT: OVER WHERE?
THE WITNESS: OVER WHERE HIS MOMMA USED TO LIVE AT.
WHERE I KNEW SHE LIVED AT OVER THERE ON 118TH BUT I NEVER

CAUGHT UP TO THEM.

THE COURT: MS. MARSHALL, OTHER QUESTIONS?

MS. MARSHALL: YES, I DO. THANK YOU, YOUR HONOR.

REDIRECT EXAMINATION

BY - MS. MARSHALL:

Q. WHEN MR. -- DO YOU REMEMBER THE INVESTIGATOR THAT CAME TO SEE YOU THAT YOU MADE THIS DECLARATION FOR OR WHEN YOU -SIGNED THE DECLARATION?

A. YEAH. I NEVER KNEW HIM UNTIL I SEEN HIM THEN.

Q. WHEN YOU LOOKED OVER YOUR DECLARATION, IF YOU HAD NOTICED THAT IT SAID FELLOW INSTEAD OF CRZIS, WOULD YOU HAVE CHANGED IT?

A. YES.

Q. WHEN YOU LOOKED OVER AND YOU SAW THAT IT SAID~3 79

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1 EAST COAST, YOU CHANGED IT TO EIGHT TRAY?

A. YEAH.

Q. SO DID YOU TRY TO READ IT?

A. UN-HUH.

Q. AND YOU ACTUALLY SIGNED YOUR NAME CORRECTLY ON THE BOTTOM?

A. YES.

Q. DID YOU NOTICE THAT IT WAS

MISSPELLED AT THAT
TIME?
A. YEAH. UP AT THE TOP.
Q. AT THE TOP. DID YOU NOTICE THAT IT WAS
MISSPELLED AT THE BOTTOM TOO?
A. NO. IT WAS RIGHT AT THE BOTTOM BECAUSE I PUT IT
DOWN THERE.
Q., BECAUSE YOU WROTE IT YOURSELF?
A. UN-HUH.
Q. IF I TOLD YOU THAT MR. BROADNEX' S BROTHER WAS

KILLED IN 1985, WOULD THAT BE IMPOSSIBLE FOR YOU TO BELIEVE?
A. YEAH. 'CAUSE I KNEW IT WAS LATER THAN THAT.
Q. BUT YOU' RE NOT REALLY SURE WHEN IT WAS?
A. NO. BUT I KNOW IT WAS LATER THAN THAT.
Q. DID YOU GO TO THE FUNERAL?
A. NO.
Q. SO YOU WENT TO - - YOU MENTIONED YOU SAW MS. MARRY

AROUND THE TIME HIS BROTHER WAS KILLED. WAS THAT SOME KIND
OF A SOCIAL EVENT?
A. NO. 'CAUSE I WAS WORKING ON HIS LOW RIDER.
Q. THE FELLOW THAT WAS KILLED?

80

A. YEAH, HIS BROTHER.
Q. WHAT WAS HIS FIRST NAME?

A. THEY CALLED HIM KITA. I DON' T KNOW IF THAT WAS HIS REAL NAME OR NOT.

Q. SO YOU WERE WORKING ON KITA' S LOW RIDER AROUND THE TIME THAT HE WAS KILLED?

A. YES. THAT' S HOW I FOUND OUT BECAUSE I WENT OVER THERE TO HELP HIM DO SOMETHING FOR IT AND THEY TOLD ME WHAT HAD HAPPENED.

Q. HE WAS SHOT; IS THAT CORRECT?

A. UN-HUH.

Q. WHEN YOU GAVE THIS DECLARATION, DID YOU ALREADY KNOW AT THAT TIME THAT DAPHNE HAD MADE A DECLARATION?

A. NO. I DIDN' T KNOW WHAT SHE HAD TOLD THEM FOLKS.

Q. YOU DIDN'T KNOW WHAT SHE HAD TOLD THEM BUT YOU KNEW SHE WAS COMING FORWARD TO TRY TO HELP?

A. YEAH.

Q. AND DID THAT IN SOME WAY MAKE YOU WILLING TO COME FORWARD YOURSELF?

A. YEAH. IT WASN'T NO PROBLEM FOR ME.

Q. YOU CARE ABOUT DAPHNE, DON' T YOU?

A. YEAH.

Q. YOU'VE BEEN WITH HER A LONG TIME?

A. TWENTY YEARS.

Q. KIND OF ON AND OFF?

A. YEAH.

27 Q. SO YOU WERE IN FACT KIND OF INTERESTED IN
28 PROTECTING HER ALL THOSE YEARS FROM LYING ON AN EIGHT TRAY

81

1 GANGSTER?
2 A. YEAH.
3 Q. WELL, YOU SAID YOU DON'T KNOW WHO DID THE MURDER.
4 A. NO.
5 Q. IF AN EIGHT TRAY DID IT, DO YOU THINK YOU WOULD
6 KNOW?
7 A. YES. IT WOULDN' T BE NO PROBLEM.
8 Q. DID THE POLICE EVER -- WELL, OF COURSE, YOU WERE

9 ARRESTED FOR THE MURDER, BUT DID THEY ASK YOU QUESTIONS ABOUT

10 WHETHER OR NOT YOU DID IT OR IF YOU KNOW WHO DID IT AND THAT
11 KIND OF THING?
12 A. YEAH. I WENT THROUGH THE WHOLE NINE YARDS.
13 Q. AND YOU TOLD THEM EVERYTHING YOU KNEW?
14 A. YEAH.
15 Q. DID YOU KNOW IF MR. BROADNEX HAD CASTS ON HIS
16 ARMS AROUND THAT TIME?
17 A. I REALLY CAN' T SAY.
18 Q. YOU DON'T REMEMBER?
19 A. I DON'T REMEMBER.

Q. DID YOU SEE HIM REAL FREQUENTLY AROUND THAT TIME?
A. OFF AND ON. 'CAUSE HE WAS DOING HIS THING AND I WAS DOING MINE.
Q. WAS IT KIND OF EMBARRASSING FOR YOU THAT DAPHNE WENT IN AND LIED ON MR. BROADNEX?
A. YES.
Q. DID YOU KNOW DEBRA JOHNSON?
A. YES.
Q. WAS SHE A FRIEND OF YOURS?

82

A. NO. SHE IS MY FRIEND'S MOMMA.
Q. SHE IS YOUR FRIEND'S MOTHER?
A. YES.
Q. THAT WOULD BE MICHAEL FERGUSON?
A. YES.
Q. MICHAEL FERGUSON WAS AN EIGHT TRAY ALSO, WASN'T HE?
A. NO. HE WAS A BUSTER.
Q. HE WAS WHAT?
A. HE WAS A BUSTER.
Q. WHAT DOES A BUSTER MEAN?
A. A HOOK. A LITTLE PUNK.
MS. MARSHALL: COULD I HAVE A MOMENT, YOUR HONOR?
THE COURT: SURE.

(BRIEF PAUSE IN PROCEEDINGS.)

17

18 Q. BY MS. MARSHALL: SO YOU SAID YOU THINK YOU WOULD

19 HAVE KNOWN IF AN EIGHT TRAY HAD SHOT - - HAD COMMITTED THAT

20 MURDER. WHY IS THAT?

21 A. BECAUSE I KNOW I WOULD HAVE KNEW BECAUSE I WAS

22 THE LEADER AND THE SHOT COLLAR AT THAT TIME.

23 Q. SO THEY WOULD HAVE TOLD YOU IF NOTHING ELSE?

24 A. IT WOULD HAVE BEEN THEIR JOB TO TELL ME.

25 Q. WERE OTHER PEOPLE IN THAT VICINITY BESIDES EIGHT

26 TRAY' S HANGING AROUND MS. JOHNSON' S HOUSE?

27 A. IF THEY WERE, THEY WERE DOPE FIENDS.

28 Q. IF DAPHNE TESTIFIED THAT SHE HAD BEEN STAYING OR

83

1 STAYED IN THAT TRAILER FOR A COUPLE OF DAYS AT THAT TIME,

2 WOULD THAT BE TRUE?

3 A. SHE MIGHT HAVE.

4Q. WHAT KIND OF TRAILER ARE WE TALKING ABOUT? WHO

5 STAYED IN THAT TRAILER?

6A. DEBRA AND HER BOYFRIEND NELSON.

7Q. AND WHO ELSE?

8A. ANYBODY THAT SMOKED DOPE.

9Q. HOW ABOUT DID YOU KNOW THIS GUY THAT WAS KILLED,

10 ROBERTO?

11 A. NO. I DIDN'T KNOW HIM. I SEEN HIM A FEW TIMES
12 'CAUSE HE HAD A LOW RIDER AND I USED TO HIT MY SWITCH ON HIM.
13 Q. DID YOU HAVE ANY IDEA WHAT HE WAS DOING THERE IN
14 THE NEIGHBORHOOD?
15MS. MADRID: OBJECTION. CALLS FOR SPECULATION.
16 THE COURT: IT'S OVERRULED.

17 YOU MAY ANSWER.

18 THE WITNESS: DO YOU WANT ME TO TELL YOU?

19 THE COURT: YEAH.

20 THE WITNESS: HE WAS SELLING DOPE.
21 Q. BY MS. MARSHALL: DID MS. JOHNSON HAVE ANYTHING
22 AGAINST MR. BROADNEX THAT YOU KNOW OF?
23 A. YEAH.
24 Q. WHAT WAS THAT?

25 MS. MADRID: OBJECTION. CALLS FOR SPECULATION AND
26 HEARSAY.

27 THE COURT: OVERRULED.

28 THE WITNESS: SO WHAT YOU WANT ME TO DO?

84
1 THE COURT: GO AHEAD AND ANSWER THE QUESTION.

THE WITNESS: WELL, SHE JEALOUS OF HIM AND A LOT OF OTHER FELLAS AROUND THE NEIGHBORHOOD BECAUSE THEY WASN' T GIVING HER NO DOPE.

Q. BY MS. MARSHALL: YOU' RE SAYING THAT OTHER PEOPLE THAT WERE DEALING DRUGS WERE NOT GIVING HER DRUGS. IS THAT WHAT YOU' RE SAYING?

A. YES.

Q. WAS SHE SELLING DRUGS HERSELF?

A. HER, HER SON, HER GRANDMOMMA TOO.

Q. AND YOU MENTIONED THAT DEBRA TOOK THE POLICE AROUND TO YOUR HOUSE?

A. BRUNG THEM TO EVERYBODY HOUSE IN THE NEIGHBORHOOD THAT SHE THOUGHT WAS STILL SELLING DOPE.

Q. WELL, WHY WOULD SHE DO THAT IF SHE WAS SELLING DOPE HERSELF?

A. BECAUSE THEY WERE MESSING UP HER BUSINESS.

Q. OKAY. HAVE YOU SEEN DEBRA LATELY?

A. DEBRA AIN'T BEEN AROUND SINCE THIS HAPPENED. SHE GOT UP OUT THE NEIGHBORHOOD.

MS. MARSHALL: I HAVE NOTHING FURTHER.

THE COURT: MS. MADRID, GO AHEAD.

RECROSS-

EXAMINATION

BY MS. MADRID:

Q. AT THE TIME OF THE MURDER OF MR. HERNANDEZ, WAS MR. BROADNEX SELLING DOPE?

85

A. I DON'T KNOW IF HE WAS OR NOT.

Q. BUT YOU JUST TESTIFIED THAT MS. JOHNSON HAD ANY-

THING AGAINST HIM BECAUSE HE WOULDN'T GIVE HER ANY OF HIS DOPE?

A. I DIDN' T SAY THAT. -

Q. YOU DIDN' T TESTIFY TO THAT JUST TWO MINUTES AGO?

A. I SAID THAT HE WOULDN' T GIVE HER NOTHING. I

DIDN'T SAY HE WOULDN'T GIVE HER NO DOPE. IT MIGHT HAVE BEEN MONEY. AIN'T NO TELLING WHAT IT WAS.

Q. SO YOU DON'T REALLY KNOW WHY DEBRA JOHNSON

SUPPOSEDLY HAD SOMETHING AGAINST MR. BROADNEX THEN. THAT'S WHAT YOU'RE TELLING US?

A. AIN'T NO TELLING. IT MIGHT HAVE BEEN BECAUSE SHE

WOULDN'T GO TO BED WITH HIM BECAUSE SHE WAS CRAZY ABOUT HIM.

Q. NOW, MR. HERNANDEZ YOU SAID YOU THINK CAME TO THE

16 NEIGHBORHOOD TO SELL DOPE; IS THAT CORRECT?
17 A. HE WAS SELLING DOPE. HE WAS SELLING COCAINE AND
18 HEROIN.
19 Q. OKAY. AND MR. HERNANDEZ WASN' T AN EIGHT TRAY -
20 GANG MEMBER, CORRECT?
21 A. NO.
22 Q. BUT HE WAS IN AN EIGHT TRAY NEIGHBORHOOD; ISN'T
23- THAT TRUE?
24 A. YES.
25 Q. AND MR. BROADNEX WAS AN EIGHT TRAY FROM THAT
26 NEIGHBORHOOD, CORRECT?
27 A. YES.
28 Q. DO YOU KNOW IF MR. BROADNEX' S FAMILY SOLD DOPE AT

by
86

1 THAT TIME?
2 A. YEAH. I COULD TELL YOU IF THEY DID.
3 Q. DID THEY?
4 A. NO.

5 MS. MADRID: MAY I HAVE A MOMENT, YOUR HONOR?

6 THE COURT: YEAH. MR. MORISETTE, WHAT DID YOU MEAN

7 WHEN YOU SAID AT THAT TIME YOU WERE THE LEADER AND SHOT

8 COLLAR OF EIGHT TRAY? WHAT DOES THAT MEAN?

9 THE WITNESS: I WAS ONE OF THE KNOWN LEADERS AND SHOT
10 COLLARS. THERE' S A FEW OF US.

11 THE COURT: WHAT DOES THAT MEAN TO BE A LEADER AND A
12 SHOT COLLAR OF EIGHT TRAY?

13 THE WITNESS: THAT MEANS YOU ONE OF THE BIG GUYS.

14 THE COURT: HOW WOULD EIGHT TRAY' S LOOK, FAVORABLY OR

15 UNFAVORABLY, ON SOMEONE TESTIFYING AGAINST ONE OF THEIR GANG
16 MEMBERS CHARGED WITH MURDER?

17 THE WITNESS: UNFAVORABLY.

18 THE COURT: AND WHAT COULD HAPPEN TO THAT PERSON?

19 THE WITNESS: GET TOOK OUT.

20 THE COURT: YOU SAID THAT YOU WERE EMBARRASSED BECAUSE
21 MS. CADE TESTIFIED AGAINST THE DEFENDANT.

22 THE WITNESS: YEAH. 'CAUSE SHE WAS MY GIRL.

23 THE COURT: HOW COME NOTHING HAPPENED TO HER?

24 THE WITNESS: BECAUSE I TRIED TO KEEP IT FROM
25 HAPPENING TO HER.

26 THE COURT: BECAUSE YOU WERE THE SHOT COLLAR.

27 THE WITNESS: YEAH. AND IF I WOULDN'T HAVE HAD SO
28 MUCH RANK, SHE WOULD HAVE GOT TOOK OUT.
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THE COURT: OKAY. MS. MADRID.
Q. BY MS. MADRID: SO IT' S YOUR TESTIMONY TODAY THAT

MS. CADE WAS MORE AFRAID OF THE POLICE THAN SHE WAS OF THE

EIGHT TRAY GANGSTERS THAT SHE SHARED THE NEIGHBORHOOD WITH.

IS THAT YOUR TESTIMONY?

A. YEAH. 'CAUSE SHE HAD ME AROUND.

ISN'T IT TRUE, THOUGH, THAT YOU WENT TO JAIL FOR AND SO YOU WEREN'T AROUND SHORTLY AFTER HER LYING

ON MR. BROADNEX AT THE TRIAL; I SN' T THAT TRUE?
Q.

32 MONTHS
A. YES
Q. SO YOU WEREN' T AROUND - -

A. THAT WAS '96, THOUGH. THAT WAS FOUR, FIVE YEARS
LATER.
Q. BUT WEREN'T THE SAME GANG MEMBERS STILL IN THE NEIGHBORHOOD FOUR OR FIVE OR SIX YEARS LATER?

A. YEAH. BUT EVERYTHING HAD COOLED OFF FOUR, FIVE, SIX YEARS LATER.

Q. SO IS IT YOUR TESTIMONY THEN THAT THEY FORGAVE HER FOR LYING ON MR. BROADNEX?

A. I GUESS SO.

Q. -YOU GUESS SO OR YOU KNOW SO?

A. I KNOW SO.

Q. HOW DO YOU KNOW THAT?

A. 'CAUSE THEY TOLD ME.

Q. THEY TOLD YOU THAT THEY FORGAVE HER FOR LYING ON
MR. BROADNEX?

A.

TO MY GIRL.
YEAH. THEY TOLD ME WASN' T NOTHING GONNA HAPPEN

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1 Q. NOW, YOU SAID THAT YOU' VE BEEN MS. CADE' S

2 BOYFRIEND FROM THE TIME -- CERTAINLY FROM THE TIME OF THE

SHOOTING UNTIL TODAY, CORRECT?
A. SINCE 1984.
Q. DO YOU CURRENTLY LIVE WITH MS. CADE?
A. NO.
Q. WHY IS THAT?
A. BECAUSE I DON'T WANT TO RIGHT NOW.
Q. YOU DON' T WANT TO LIVE WITH MS. CADE?
A. NOT RIGHT NOW.
Q. AND WHY IS THAT?
A. BECAUSE I DON' T WANT TO.
Q. WHY?
A. 'CAUSE SHE GETS ON MY NERVES RIGHT NOW. WE GOT A FEW PROBLEMS.
Q. ARE YOU GOING TO BE A DADDY IN A FEW MONTHS?
A. ME?
Q. YES.
A. NO, NOT THAT I KNOW OF. I MIGHT. AIN' T NO TELLING.
Q. DID YOU KNOW THAT MS. CADE IS PREGNANT?
A. I AIN' T NEVER ASK HER. THAT MIGHT BE WHY SHE I S SO IGNORANT RIGHT NOW.
Q. WHEN IS THE LAST TIME YOU SAW MS. CADE AS YOU SIT HERE TODAY?
A. YESTERDAY.
Q. AND YOU' RE TELLING ME THAT YOU DIDN' T KNOW SHE WAS PREGNANT?

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A. WELL, SHE MUST BE KEEPING IT UP UNDER THAT COAT.

Q. WHEN YOU - - NOW, FROM THE TIME THAT MS. CADE

LIED, ALLEGEDLY LIED AT THE TRIAL OF MR. BROADNEX TO THE TIME

THAT YOU WENT TO JAIL FOR 32 MONTHS, WERE YOU WITH HER 24
HOURS A DAY?
A. NO. I AIN'T NEVER BEEN WITH HER 24 HOURS A DAY
IN MY LIFE JUST ABOUT.
Q. AND WERE YOU LIVING WITH HER DURING THAT TIME

PERIOD FROM THE TIME SHE LIED AT TRIAL TO THE TIME YOU WENT
TO JAIL? -
A. YEAH.
Q. SHE DIDN' T IRRITATE YOU THEN? -
A. YES.

Q. SHE DID?
A. UP AND DOWN.
Q. AND WERE YOU THE ONLY PERSON IN CHARGE OF THE

EIGHT TRAY GANG AT THE TIME THAT MS. CADE LIED ON
MR. BROADNEX?
A. NO.
Q. HOW MANY OTHER PEOPLE HAD

THE SAME RANK AS YOU AT
21 THAT TIME?
22 A. FIVE OR SIX.
23 Q. AND I BELIEVE YOU
TESTIFIED WHEN THE JUDGE WAS

24 ASKING YOU QUESTIONS THAT ONE OF THE
REASONS WHY THE MOST
25 IMPORTANT THING FOR YOU --
WELL, STRIKE THAT.

26 I BELIEVE YOU TESTIFIED WHEN THE
JUDGE WAS

27 ASKING YOU• QUESTIONS THAT YOU WERE
MORE INTERESTED IN MAKING
28 MONEY.

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1 A. YES.
2 Q. AND SO AT THAT TIME YOU
WERE ALSO DEALING DRUGS
3 AT THAT TIME?
4 A. ME, UP AND DOWN.
5 Q. DOES THAT - MEAN FROM
TIME TO TIME?
6 A. YEAH.
7 MS. MADRID: I HAVE
NOTHING FURTHER.
8 THE COURT: MS. MARSHALL.
9 MS. MARSHALL: I HAVE
NOTHING FURTHER.
10 THE COURT: OKAY. MR.
MORISETTE, THANK YOU FOR COMING
11 IN. WE APPRECIATE THAT. YOU CAN
GO AHEAD AND JUST GO OUT IN
12 THE AUDIENCE.

THE WITNESS: ALL RIGHT.
THE COURT: OKAY. ANY OTHER WITNESSES FOR THE DEFENSE?
MS. MARSHALL: NO, YOUR HONOR. BUT I WOULD OFFER THE FACT THAT HIS BROTHER DIED IN 1985 AND I HAVE SEEN THE DEATH CERTIFICATE AND I COULD PRODUCE IT FOR THE COURT. IT WAS IN THE NEWSPAPERS.
THE COURT: WELL, I DON'T KNOW IF YOU' RE OFFERING - -
MS. MARSHALL: I DON'T HAVE IT WITH ME.
THE COURT: I DON'T KNOW IF YOU'RE OFFERING A STIPULATION OR WHAT, BUT THIS IS AN EVIDENTIARY HEARING SO IF YOU WANT TO DO THAT, THEN SHE HAS TO AGREE. IF NOT, MAYBE THERE'S OTHER EVIDENCE YOU CAN PUT ON THAT WOULD INDICATE THAT.
MS. MARSHALL: I DON'T HAVE ANYTHING WITH ME TODAY, BUT I COULD EASILY BUY IT OFF OF LEXUS TO SHOW BY THE DEATH
91
CERTIFICATE THAT HE DIED.
THE COURT: YOU JUST TELL ME WHAT YOU WANT TO DO.
MS. MARSHALL: I WILL SUBMIT -- IS THE COURT GOING TO RULE TODAY? I ASSUME OTHERWISE I WOULD SUBMIT AN EXHIBIT OR TALK WITH MS. MADRID AND SEE IF SHE WILL ACCEPT MY.

REPRESENTATION THAT HE DIED IN '85.

THE COURT: AN I GOING TO RULE FROM THE BENCH TODAY?

NO.

MS. MARSHALL: SO CAN I SUBMIT AN EXHIBIT ESTABLISHING HIS BROTHER DIED IN '85.

THE COURT: WHAT WAS HIS BROTHER'S NAME?

MS. MADRID: KITA.

THE DEFENDANT: N-I-K-I-T-A. NIKITA BROADNEX.

MS. MARSHALL: SO MR. MORISETTE WAS A LITTLE CONFUSED ABOUT THAT.

THE COURT: I DON'T HAVE A PROBLEM SUBMITTING A SUPPLEMENTAL EXHIBIT OR SOMETHING, BUT YOU OUGHT TO SHOW IT TO COUNSEL. SO OKAY. NO MORE LIVE WITNESSES THEN.

(COUNSEL AND HER CLIENT CONFER SOTTO VOCE.)

MS. MARSHALL: MAY I HAVE JUST A MOMENT?

THE COURT: SURE.

(BRIEF PAUSE IN PROCEEDINGS.)

MS. MARSHALL: MR. BROADNEX INDICATED THAT HE WANTED

92

1 TO TESTIFY. HE TESTIFIED AT THE FIRST TRIAL WHICH THIS COURT
2 DIDN'T HEAR.

3 THE COURT: RIGHT. WHAT WOULD HIS TESTIMONY HAVE TO
4 DO WITH WHETHER OR NOT MS. CADE LIED OR DIDN'T LIE?

5 MS. MARSHALL: EXCEPT OF COURSE HE WILL SAY WHERE HE

6 WAS. THAT HE WASN'T THERE. THAT HE DID NOT DO THE MURDER.

7 IT IS OF QUESTIONABLE RELEVANCE FOR A HABEAS HEARING, BUT HE
8 DOES WANT TO DO THAT.

9 THE COURT: BUT THAT WOULDN'T BE NEWLY-DISCOVERED
10 EVIDENCE.

11 MS. MARSHALL: NO.

12 THE COURT: IT'S TRUE I DIDN'T DO THE FIRST TRIAL.

13 ASSUMING HE TESTIFIED AT THE FIRST TRIAL AND SAID I DIDN'T DO
14 IT, I WAS SOMEPLACE ELSE, THAT IS NOT ANY SORT OF

15 NEWLY-DISCOVERED EVIDENCE THAT WOULD BE THE SUBJECT OF THIS
16 HEARING, I DON' T THINK.

17 MS. MARSHALL: I CAN'T THINK OF AN EXCEPTION.

18 THE COURT: THE ISSUE IS -- WELL, THERE ARE A LOT OF

19 ISSUES THAT YOU BRIEFED PREVIOUSLY, BUT I DON'T THINK --

20 MS. MARSHALL: I'M SORRY, YOUR HONOR.

21 THE COURT: GO AHEAD.

22 MS. MARSHALL: HE CAN SAY MS. CADE MUST HAVE LIED.

23 MS. CADE MUST HAVE LIED BECAUSE SHE DID NOT SEE ME SHOOT THIS

24 INDIVIDUAL BECAUSE I DID NOT DO SO. I WAS NOT THERE. FOR

25 WHATEVER THAT'S WORTH, HE IS DEFINITELY PREPARED TO GET ON

26 THE STAND AND SAY THAT. I MEAN, TO SOME EXTENT I SUPPOSE IT

27 CORROBORATES HER TESTIMONY THAT SHE LIED.

28 THE COURT: WHAT IS YOUR OPINION?

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1 MS. MADRID: WELL, YOUR HONOR, I'M SOMEWHAT SURPRISED

2 THAT MR. BROADNEX WOULD FRANKLY WANT TO TAKE THE STAND
3 BECAUSE ESSENTIALLY WHAT HE IS SAYING --

4 THE WITNESS: THIS IS MY LIFE.

5 MS. MADRID: I 'N SORRY?

6 THE WITNESS: THIS IS MY LIFE.

7 MS. MARSHALL: LET HER FINISH.

8 THE COURT: MR. BROADNEX, I AN NOT ASKING YOU ANY

9 QUESTIONS SO DON'T INTERRUPT THE D . A. AND DON'T ASK HIM
10 QUESTIONS.

11 GO AHEAD.

12 MS. MADRID: ESSENTIALLY THE NATURE OF THE HEARING IS

13 WHETHER OR NOT THE COURT FINDS THE RECANTED STATEMENTS -- IN

14 OTHER WORDS, MS. CADE TAKING BACK HER TRIAL TESTIMONY AND

15 MR. MORISETTE BACKING THAT UP, WHETHER THE COURT FINDS THAT

16 CREDIBLE AND WHETHER MR. BROADNEX WOULD THEN BE ENTITLED TO A

17 NEW TRIAL. I THINK THAT ALL OF US HERE

ASSUME THAT

18 MR. BROADNEX IS BRINGING THIS MOTION BECAUSE HE IS CLAIMING

19 HE DIDN' T DO IT. IF HE WANTS TO TAKE THE STAND - -

20 THE COURT: WELL, I GUESS MY PROBLEM, MS. MARSHALL, IS

23. YOU PREPARED A LOT OF PAPERWORK GOING BACK TO LAST YEAR.

22 BOTH OF YOU HAVE DONE A REAL GOOD JOB IN. ALL THE WORK. THAT

23 IS ONE OF THE REASONS WE ARE HERE IS BECAUSE AFTER WHAT YOU

24 BOTH OFFERED AND THE ANALYSIS THAT YOU HAVE PROVIDED SO FAR.

25 BUT NOWHERE IN ANY OF THE PAPERWORK HAS IT ANYTHING TO DO

26 WITH BRINGING UP TESTIMONY OF YOUR CLIENT WHO APPARENTLY

27 TESTIFIED BEFORE AS TO A BASIS OF ANYTHING.

28 I JUST AM HAVING A LITTLE TROUBLE INDICATING

94

1 WHETHER THAT HAS ANYTHING TO DO WITH THE SCOPE OF THE

2 HEARING. THE SCOPE OF THE HEARING IS TO PUT ON EVIDENCE TO

SUPPORT THE RECANTATION, THE CIRCUMSTANCES OF IT AND I ASSUME MY OPINION AS TO IT AND THEN BASED ON MY OPINION OF IT, WHAT LEGALLY WE SHOULD DO. BUT I DON' T KNOW THAT THAT' S WITHIN THE SCOPE OF THE HEARING SO THE REQUEST IS DENIED. THAT' S A LONG-WINDED WAY TO SAY IT'S NOT WITHIN THE SCOPE OF THE HEARING.

MS. MARSHALL: THANK YOU, YOUR HONOR.

THE COURT: SO OTHER WITNESSES THAT ARE WITHIN THE SCOPE OF THE HEARING?

MS. MARSHALL: NO. I HAVE NO OTHER WITNESSES.

THE COURT: DO THE PEOPLE HAVE ANY WITNESSES?

MS. MADRID: AT THIS TIME, YOUR HONOR, THE PEOPLE WOULD LIKE TO CALL MS. MARRY MILLS SINCE SHE IS IN THE COURTROOM.

THE COURT: OKAY. THAT' S THE MOM.

MS. MADRID: THAT' S MR. BROADNEX' S MOTHER.

THE COURT: OKAY. ALL RIGHT. MS. MILLS, PLEASE RAISE YOUR RIGHT HAND.

MARRY MILLS, CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND TESTIFIED - AS FOLLOWS:

25
26 THE CLERK: YOU DO SOLEMNLY STATE THAT THE TESTIMONY
27 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL
28 BE THE **TRTJTH,** THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO

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95
1 HELP YOU GOD.
2 THE WITNESS: I DO.
3 THE CLERK: MA'AM, WOULD YOU PLEASE STATE AND SPELL
4 YOUR FULL NAME FOR THE RECORD SLOWLY.
5 THE WITNESS: MARRY MILLS, M-A-R--R-Y, MILLS,
6 M-I-L-L-S.
7 THE COURT: THANK YOU, MA'AN. PLEASE GO AHEAD.
8
9 DIRECT EXAMINATION
10
11 BY MS. MADRID: -
12 Q. MS. MILLS, YOU'RE THE MOTHER OF THE PETITIONER IN
13 THIS CASE, MR. BROADNEX; IS THAT CORRECT? -
14 A. YES, I AM.
15 Q. AND MS. MILLS, YOU KNOW THE GENTLEMAN WHO JUST
16 TESTIFIED, MR. MORISETTE, CORRECT?
17 A. YEAH. I KNOW HIM BUT WHEN HE WAS SMALL, YOU
18 KNOW. MATTER OF FACT, IT JUST

DAWNED ON ME LAST WEEK ABOUT
19 REALLY WHO HE WERE, YOU KNOW, BECAUSE HE WAS SMALL, YOU KNOW,
20 AND MY KIDS. BUT IF ANYBODY ASKED ME ABOUT HIM NOW, I REALLY
21 COULDN'T TELL YOU ANYTHING ABOUT HIM, YOU KNOW, SINCE HE HAS
22 GROWN UP.
23 Q. WELL, YOU HEARD MR. MORISETTE TESTIFY JUST NOW
24 BECAUSE YOU WERE SITTING IN THE COURTROOM, CORRECT?
25 A. UH-HUH.
26 Q. IS THAT A "YES[11]? YOU HAVE TO SAY "YES" FOR THE
27 REPORTER.
28 A. YES. I'M SORRY.

96 -1
1 Q. AND YOU HEARD MR. MORISETTE SAY THAT HE ALSO KNEW
2 YOUR OTHER SON, NIKITA BROADNEX, WHO WAS SHOT AND KILLED,
3 CORRECT?
4 A. YES.
5 Q. AND ISN' T IT TRUE THAT MR. MORI SETTE AS HE
6 TESTIFIED USED TO GO OVER TO HELP NIKITA WORK ON HIS LOW
7 RIDER? -
8 A. YES.
9 Q. AND AT THAT TIME HE WOULD GO TO YOUR HOUSE TO
10 WORK ON THAT LOW RIDER; I SN' T THAT TRUE?
11 A. YES.
12 Q. AND AT THAT POINT IN TIME NIKITA WAS OLD ENOUGH

TO BE DRIVING; ISN'T THAT TRUE?
A. YES.
Q. AND I PRESUME THAT AT THAT TIME MR. MORISETTE WAS
ALSO A MAN OLD ENOUGH TO BE DRIVING, CORRECT?
A. YES.
Q. SO YOU WERE ACTUALLY SEEING MR. MORI SETTE AT THAT
TIME AFTER HE WAS AN ADULT; ISN' T THAT TRUE?
A. - WELL, YES. UH- HUH.
Q. IS THAT A "YES"?
A. YES.
Q. AND YOU ALSO -- WELL, LET ME ASK YOU THIS:
MR. MORISETTE WAS A FRIEND OF YOUR SON, MR. BROADNEX?
A. YES.
MS. MARSHALL: EXCUSE ME. VAGUE, WHICH MR. BROADNEX?
MS. MADRID: I'LL CLARIFY THAT. THAT'S FINE.
Q. BY MS. MADRID: MR. BROADNEX, THE PETITIONER WHO

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97

IS SITTING HERE IN COURT.
A. YES.
Q. AND WERE YOU AWARE THAT AT THE TIME OF THE
SHOOTING - -

THE COURT: I 'M SORRY I WON' T INTERRUPT. ASK THE

WHOLE QUESTION.

Q. BY MS. MADRID: AT THE TIME OF THE SHOOTING OF

THE VICTIM IN THIS CASE, MR. HERNANDEZ, THAT YOUR SON, THE

PETITIONER, MR. BROADNEX, WAS A MEMBER OF THE EIGHT TRAY SET?

A. YOU KNOW, THIS GANG STUFF - - IF HE WAS IN A GANG,

I DIDN' T KNOW NOTHING ABOUT IT. OUT IN THE STREET THAT' S

DIFFERENT BUT AT MY HOME, NO.

Q. AND DID YOU KNOW WHETHER OR NOT MR. MORISETTE,

THE GENTLEMAN WHO WAS JUST TESTIFYING, WAS AN EIGHT TRAY GANG

MEMBER AT THAT TIME?

A. I HEAR ABOUT THESE NAMES BUT I REALLY DON'T KNOW

EIGHT TRAY FROM - - YOU KNOW, I JUST HEAR ABOUT THESE NAMES.

I'M NOT FAMILIAR WITH THIS STUFF.

Q. WHERE DID YOU LIVE AT THE TIME THAT MR. BROADNEX,

YOUR SON, THE PETITIONER IN COURT, WAS ARRESTED FOR THE
SHOOTING OF MR. HERNANDEZ, THE VICTIM IN THIS CASE?

A. 204 WEST 118TH PLACE.

Q. AND WHERE DO YOU LIVE NOW?

A. 204 WEST 118TH PLACE.

25 Q. SO YOU HAVE LIVED IN THE SAME HOUSE ESSENTIALLY
26 FOR THE LAST TEN YEARS?
27 A. OH, MORE. LONGER.
28 Q. AND 'WHEN WAS THE LAST TIME BEFORE TODAY THAT YOU
98

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1 SAW MR. MORISETTE?
2 A. SATURDAY. I SEEN HIM SATURDAY.
3 Q. AND PRIOR TO SATURDAY, THIS PAST SATURDAY, WHEN
4 WAS THE LAST TIME YOU SAW HIM?
5 A. I HAVEN'T SEEN HIM.
6 Q. WELL, THE QUESTION IS: PRIOR TO THIS PAST
7 SATURDAY, WHEN DID YOU LAST SEE HIM?
8 A. JUST THIS MORNING.
9 Q. OKAY. I'M GOING BACK IN TIME. SO LET'S START

10 AGAIN. FROM THIS PAST SATURDAY WHICH YOU JUST TESTIFIED YOU
11 SAW MR. MORISETTE - - CORRECT?
12 A. UH-HUH.
13 Q. IS THAT A "YES"?
14 A. YES.
15 Q. FROM THIS PAST SATURDAY BACK IN TIME WHEN WAS THE

16 LAST TIME PRIOR TO THAT SATURDAY THAT YOU SAW MR. MORISETTE?
17 A. OH, I HAVEN'T --

18 MS. THERESA BROADNEX: SHE DOESN'T REMEMBER.

19 THE COURT: WAIT A SECOND. MA'AM, YOU'RE EXCUSED.

20 PLEASE GO OUTSIDE. SOMEBODY IN THE AUDIENCE WAS JUST TELLING

21 HER WHAT TO SAY. I DON' T EVEN KNOW THAT YOU HEARD IT.

22 THE WITNESS: I DIDN'T HEAR IT.

23 MS. MADRID: MAY I ASK MS. MILLS WHO THAT WOMAN IS WHO

24 IS LEAVING THE COURTROOM?

25 THE WITNESS: THAT IS MY DAUGHTER.

26 MS. MADRID: AND WHAT IS HER NAME?

27 THE WITNESS: THERESA.

28 THE COURT: ALL RIGHT. GO AHEAD-
99

1 THE WITNESS: I DIDN'T HEAR ANYTHING.

2 THE COURT: WHY DON' T YOU ASK THE QUESTION. READ THE

3 QUESTION. IN FACT, LET ME ASK IT. YOU SAW MR. MORISETTE

4 LAST SATURDAY, RIGHT?

5 THE WITNESS: RIGHT.

6 THE COURT: BEFORE LAST SATURDAY, HOW

LONG WAS IT
BEFORE YOU SAW HIM?

THE WITNESS: OH, I DON'T KNOW. I DON'T KNOW WHETHER
IT WAS DURING THE TIME MY SON GOT KILLED.

THE COURT: WAS IT YEARS AND YEARS?

THE WITNESS: OH, YES, YES, YES.

THE COURT: GO AHEAD.
Q. BY MS. MADRID: DO YOU KNOW WHERE MR. MORISETTE
LIVES AS YOU SIT HERE TODAY?
A. I KNOW - - I DON' T KNOW - - I 'M NOT GOOD AT

STREETS. I JUST KNOW HOW TO GET TO PLACES. YEAH. I KNOW

WHERE HE USED TO LIVE, IF HE STILL LIVES THERE, BECAUSE LIKE
I SAID I HAVEN'T BEEN OVER THERE. I DON'T KNOW.
Q. SO AT THE TIME THAT MR. MORISETTE WAS WORKING ON

THE LOW RIDER WITH YOUR DECEASED SON, NIKITA, DID YOU KNOW
WHERE MR. MORISETTE LIVED?
A. YES.
Q. AND AT THE TIME OF THE SHOOTING OF MR. HERNANDEZ,

THE MURDER FOR WHICH YOUR SON STANDS CONVICTED, DID YOU KNOW

25 WHERE MR. MORISETTE LIVED?
26 A. YES.
27 Q. AND DID HE LIVE IN THE SAME PLACE?
28 A. I ASSUME.

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1 Q. YOU ASSUME SO?

2 A. YEAH. I ASSUME. I DON'T GO OVER THERE SO I

3 DON'T KNOW. I ASSUME THAT HE IS STILL LIVING IN THE SAME

4 PLACE.

5 Q. AND DID YOU KNOW AT THE TIME OF THE SHOOTING THAT

6 MR. MORISETTE LIVED WITH MS. CADE?

7 A. NO. I DON' T KNOW WHO HE LIVED WITH. ALL I KNEW -

8 HIS PARENTS LIVED ON THAT STREET. I DON' T KNOW NOTHING ABOUT

9 NO CAGE.
10 Q. NO. CADE, C-A-D-E.
11 A. OH, I DON'T KNOW ANYTHING ABOUT NOTHING LIKE THAT

12 NAME. -
13 Q. WERE YOU IN COURT LAST

FRIDAY?
14 A. YES.
15 Q. AND DID YOU WATCH THE TESTIMONY LAST FRIDAY?
16 A. YES.
17 Q. AND YOU HEARD A WOMAN BY THE NAME OF MS. CADE
18 TESTIFYING?
19 A. I HEAR YOU TALKING ABOUT THIS NAME, BUT I DON'T
20 KNOW HER.
21 Q. OKAY. WELL THE QUESTION IS: YOU HEARD HER
22 TESTIFY LAST FRIDAY, CORRECT?
23 A. OH, ARE YOU TALKING ABOUT -- SEE, I DON'T KNOW

24 ABOUT THAT NAME. ALL I KNOW IS DAPHNE. IS THAT WHO YOU ARE
25 TALKING ABOUT?
26 Q. YES.
27 - A. THAT' S ALL I KNOW. THAT' S ALL I KNOW.
28 Q. DID YOU DRIVE IN THE CAR -- DID YOU TRAVEL IN TEE -
101
1 SAME VEHICLE AS MS. DAPHNE CADE TO COME TO COURT?
2 A. NO.
3 Q. DID YOU EVER TALE TO MS. DAPHNE CADE PRIOR TO HER
4 TESTIFYING IN COURT LAST FRIDAY?
5 A. NO.
6 Q. DID YOU TALK TO YOUR DAUGHTER WHO JUST WAS
7 ORDERED OUT OF THE COURTROOM, TRACY OR THERESA --

A. THERESA.
Q. DID YOU TALK TO HER ABOUT DAPHNE CADE AND HER
ALLEGED LIES ABOUT YOUR SON BEFORE LAS.T FRIDAY?
A. WELL, WE'VE ALWAYS TALKED ABOUT IT, YOU KNOW.

WE' VE ALWAYS TALKED ABOUT IT, MENTIONED HER NAME BUT WE DON' T

KNOW DAPHNE PER SE. WE DON'T TALK TO HER, VISIT HER OR SEE
HER, NOTHING LIKE THAT.
Q. DID YOU KNOW THAT SHE LIVED AROUND THE

NEIGHBORHOOD AROUND THE AREA OF THE SHOOTING WHICH WAS 84TH
PLACE?
A. WELL, I KNOW SHE IS ALWAYS OVER IN THAT AREA, YOU
KNOW. I KNOW THAT' S WHERE THEY BE.
Q. AND YOU NEVER TRIED TO FIND HER?
A. OH, NO.
Q. YOU NEVER TRIED TO FIND DAPHNE CADE, THE WOMAN

WHO LIED ABOUT WHETHER OR NOT YOUR SON COMMITTED MURDER?
A. NO.
Q. THAT WASN' T IMPORTANT TO YOU TO TRY AND FIND HER?
A. YES. IT WAS IMPORTANT TO ME. DAPHNE IS

27 SOMETHING YOU CAN'T DO NOTHING ABOUT. WHEN MY SON GOT
28 KILLED - -

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1 Q. THAT IS NOT THE QUESTION. THE QUESTION IS: IT

2 WASN'T IMPORTANT FOR YOU TO LOOK FOR MS. DAPHNE CADE WHO YOU
3 KNEW WHO WAS IN THE AREA OF 84TH PLACE AFTER YOU FOUND OUT
4 THAT SHE LIED ABOUT MR. BROADNEX KILLING SOMEONE?
5 A. NO. I NEVER LOOKED FOR DAPHNE.
6 Q. THAT WASN'T IMPORTANT TO YOU?
7 A. YES. IT'S IMPORTANT, BUT I NEVER LOOKED FOR HER.
8 Q. BUT YOU KNEW, AS YOU JUST TESTIFIED, THAT SHE
9 LIVED IN THE AREA OF 84TH PLACE?
10 A. YES.
11 Q. WHEN DID YOU FIRST F IND OUT THAT MS. DAPHNE CADE
12 ALLEGEDLY LIED ABOUT MR. BROADNEX SHOOTING MR. HERNANDEZ?
13 A. OH, I GUESS I FOUND OUT - - I HEARD ABOUT IT ABOUT
14 FIVE, SIX MONTHS AGO.
15 Q. WAS THAT THE FIRST TIME YOU HEARD ABOUT IT?
16 A. YES.
17 Q. DO YOU KNOW ANYBODY ELSE WHO LIVES IN THAT

NEIGHBORHOOD, 84TH PLACE?
A. NO.
Q. YOU'RE SHAKING YOUR HEAD. IS THAT "NO"?
A. NO. NO. NO.
Q. DID YOU TALK TO YOUR DAUGHTER THERESA ABOUT
WHETHER OR NOT DAPHNE CADE SAID SHE LIED ABOUT MR. BROADNEX
SHOOTING MR. HERNANDEZ?
A. MY FAMILY AND I TALK ABOUT IT. WE JUST PRAY TO
GOD. WE DON' T KNOW WHETHER HE DID IT OR NOT. WE WASN' T
THERE. YOU KNOW, HE SAY HE DIDN'T DO IT, SO WE JUST PRAY AND

JUST BELIEVE IN PRAYER. OTHER THAN THAT, I HAVEN'T BEEN

1/7

LOOKING FOR ANYBODY, ASKING ANYBODY ANYTHING.
Q. ISN'T IT TRUE THAT GOD HELPS THOSE WHO HELP
THEMSELVES?
A. MOST DEFINITELY.

THE COURT: WELL, WE ARE NOT --

THE WITNESS: MOST DEFINITELY.

THE COURT: WE ARE NOT GOING TO GET INTO A RELIGIOUS
DISCUSSION HERE.

THE WITNESS: MOST DEFINITELY.

THE COURT: SO ASK ANOTHER QUESTION.

Q. BY MS. MADRID: HOW IS IT THAT YOUR FAMILY CONTACTED DAPHNE CADE?

A. HOW IS IT? MY FAMILY DIDN'T CONTACT DAPHNE.

Q. WHO CONTACTED DAPHNE?

A. I THINK MY DAUGHTER-IN-LAW AND MY DAUGHTER WAS DRIVING OR SOMETHING ON VERMONT AND THEY SEEN DAPHNE. WE DIDN'T CONTACT ANYBODY. WE DIDN'T CONTACT ANYBODY.

Q. WELL, WHEN YOUR DAUGHTER AND YOUR SISTER-IN-LAW SAW DAPHNE, DID THEY TELL YOU THAT THEY STOPPED AND TALKED TO HER?

A. YES, THEY DID.

Q. AND DID THEY TELL YOU THAT THEY SAW DAPHNE CADE IN THE AREA OF 84TH STREET AND VERMONT?

A. YES.

Q. AND I SN' T IT TRUE THAT YOU JUST TESTIFIED THAT YOU KNEW THAT DAPHNE CADE FREQUENTED THAT AREA FOR YEARS?

A. CAN I SAY SOMETHING?

Q. NO. MA'AM, ANSWER THE QUESTION

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THE COURT: WELL, SHE HAS ALREADY TESTIFIED THAT THE ANSWER WAS YES, SO ASK ANOTHER QUESTION.

Q. BY MS. MADRID: WHEN DID YOU FIRST -- I MAY HAVE ASKED THIS AND I CAN'T RECALL. WHEN DID YOU FIRST FIND OUT, PERSONALLY YOU FIND OUT THAT DAPHNE CADE SAID THAT SHE LIED AT TRIAL?

A. WHEN I F I RST FOUND OUT ABOUT IT IS WHEN MY DAUGHTER - IN- LAW TOLD ME. THEN THAT' S WHEN WE GOT BUSY AND STARTED GETTING AN ATTORNEY TO LOOK INTO THIS AND SEE WAS THIS TRUE. I ASKED MY SON ONCE, ONLY ONCE DID HE DO THIS? HE TOLD ME NO. AND I NEVER ASKED AGAIN, NEVER.

MS. MADRID: MAY I HAVE A MOMENT, YOUR HONOR?

(BRIEF PAUSE IN PROCEEDINGS.)

MS. MADRID: I HAVE NOTHING FURTHER.

THE COURT: WHY DON'T YOU ASK ABOUT NIKITA.

MS. MARSHALL: YES. THANK YOU. I WAS GOING TO DO THAT.

CROSS-EXAMINATION

22

23 BY MS. MARSHALL:

24 Q. WHEN WAS YOUR SON NIKITA KILLED?

25 A. YOU KNOW, I' M NOT GOOD AT DATES AND I 'M NERVOUS.

26 AND I'M NOT REALLY GOOD AT DATES. I JUST TRIED TO BLOCK THIS

27 OUT OF MY MIND AND LIVE.

28 Q. LET ME TRY TO HELP YOU. DO YOU REMEMBER IF IT

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1 WAS BEFORE MR. BROADNEX WENT TO JAIL?

2 A. YES. - IT WAS BEFORE.

3 Q. WAS IT QUITE AWAYS WAYS BEFORE?

4 A. QUITE AWAYS WAYS BECAUSE I REMEMBER I HAD TO GO

5 UP AND TELL HIM. YES. UH-HUH.

6 Q. YOU HAD TO GO UP AND TELL HIM WHERE?

7 A. TO PRISON.

8 Q. HE WAS IN PRISON ON SOMETHING ELSE AT THE TIME

9 THAT HIS BROTHER WAS KILLED?

10 A. YES.

11 MS. MARSHALL: ALL RIGHT. I HAVE NOTHING FURTHER.

12 THE COURT: I'M NOT SURE THAT ANSWERS THE QUESTION SO

13 YOU MAY STILL WANT TO FOLLOW UP.

14 MS. MARSHALL: OKAY.

L 15 THE COURT: YOU'VE LIVED AT 204

WEST 118TH STREET FOR
20 YEARS?
THE WITNESS: YES, OR LONGER, YES.
THE COURT: ANYTHING ELSE?
MS. MADRID: YES.

REDIRECT EXAMINATION

BY MS. MADRID:
Q. WHAT WAS MR. BROADNEX IN JAIL FOR WHEN YOUR SON
KITA WAS KILLED?
A. WHEN ROBERT WAS IN JAIL, DO YOU KNOW WHAT? GOD
KNOWS. I REALLY DON' T KNOW. I KNOW HE DID FIVE YEARS.
REALLY DON' T KNOW, HONEST TO GOD.

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Q. BY MS. MARSHALL: HE WAS IN STATE PRISON --
A. YES.
Q. - - WHEN YOUR OTHER SON WAS KILLED?
A. RIGHT.
MS. MADRID: YOUR HONOR, EXCUSE ME. I DON'T THINK I
WAS--
MS. MARSHALL: I'M SORRY.
THE COURT: FINISHED?
MS. MADRID: NOT QUITE.
MS. MARSHALL: I DO APOLOGIZE.
Q. BY MS. MADRID: WHAT WAS MR. BROADNEX, THE
PETITIONER, YOUR SON WHO IS HERE IN COURT -- WHAT WAS HIS

NICKNAME ON THE STREET, IF YOU KNOW?

A. MY SON?

Q. YEAH.

A. ALL I KNOW IS LUCKY.

MS. MADRID: I HAVE NOTHING FURTHER.

THE COURT: ANYTHING ELSE?

MS. MARSHALL: NO. NOTHING FURTHER.

THE COURT: OKAY. MS. MILLS, THANKS. YOU'RE EXCUSED.

THE WITNESS: OKAY.

THE COURT: ANY OTHER WITNESSES - -

MS. MADRID: NO, YOUR HONOR.

THE COURT: -- BY THE PEOPLE?

MS. MADRID: NO.

(PROCEEDINGS CONCLUDED)